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**REPORT OF THE INDEPENDENT INVESTIGATION OF
CHERAINA BONNER'S COMPLAINTS**

prepared for

SARASOTA COUNTY SCHOOL BOARD

OCTOBER 16, 2019

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Report of the Independent Investigation of Cheraina Bonner's Complaints

I. Engagement and Scope of Investigation.

On May 24, 2019, counsel for the Sarasota County School Board ("School Board") provisionally retained¹ Sproat Workplace Investigations ("SWI") to conduct an Independent outside Investigation into Cheraina Bonner's ("Bonner") claims that Assistant Superintendent/Chief Operating Officer Jeff Maulsby ("Maulsby"), sexually harassed her, created a hostile work environment and retaliated against her. On May 28, 2019, School Board counsel, Arthur Hardy ("Hardy") informed SWI that Bonner filed a separate complaint against the Superintendent, Todd Bowden ("Bowden") and the Equity Coordinator, Al Harayda ("Harayda") alleging sexual and racial discrimination and other improprieties in the School District's handling of the investigation of Bonner's claims against Maulsby. On June 4, 2019, the School Board, approved SWI's engagement to investigate all claims.

On August 20, 2019, the School Board authorized SWI to expand its engagement to include an investigation into Bowden's concerns that the Sarasota Classified Teachers Association ("SC/TA") influenced or interfered with Bonner's complaint against Bowden and into Bonner's new allegations of hostile work environment and retaliation against Bowden and the Sarasota County School District ("District").

¹ The engagement of SWI was provisional until it was approved by the School Board on June 4, 2019

The following exhibits provided the framework for the investigation:

Exhibit 1 – Bonner's May 24, 2019 Equity complaint alleging discrimination and retaliation by Bowden and Harayda in their handling of Bonner's complaint against Maultsby.

Exhibit 2 – Bonner's June 10, 2019 EEOC Charge alleging sexual harassment, hostile work environment and retaliation by Maultsby.

Exhibit 3 – Bowden's August 16, 2019 letter asking SWI to investigate the extent to which SG/TA was involved in Bonner's complaint against Bowden.

Exhibit 4 – Letter dated August 17, 2019 from Bonner's counsel presenting new claims of harassment, hostile work environment and retaliation by Bowden and others in the District.

II. Investigative Workplan

SWI developed its investigative workplan independently without direction or interference from any District employee or School Board member. The District cooperated with SWI by providing timely access to requested records and to current personnel. Relevant witnesses not employed by the District also cooperated in the investigation.

SWI also utilized the services of Sylint, a digital data forensics firm, to extract text messages from Maultsby's business and personal phones. Sylint provided SWI with a PDF of text communications exchanged between Maultsby and Bonner during the time frame July 8, 2018 through April 20, 2019. Sylint photographed the emojis, GIFs and photographs that did not appear in the PDF. SWI compared the texts extracted from

Maultsby's phone with the texts that the SCSO extracted from Bonner's phone for the same time period.

As contemplated at the outset of the investigation, SWI delivered this report to the District through Board counsel. The District did not participate in determining the content of this of this report.

A. Witnesses Interviewed ²

SWI interviewed the following individuals:

| <u>Name</u> | <u>Position</u> | <u>Date(s)</u> |
|----------------------|---|------------------------------------|
| Traci Beeker | Communications Director | 7/30/2019 7/31/2019 |
| Cheralna Bonner | Senior Administrative Assistant to Assistant Superintendent, Chief Operating Officer | 7/31/2019 9/9/2019 |
| Curtis "Todd" Bowden | Superintendent | 7/15/2019 8/8/2019 9/10/2019 |
| Carol Brown | Director of Leadership Development | 7/30/2019 |
| Mitsi Corcoran | Assistant Superintendent, | 9/10/2019 |
| Barry Dublin | Executive Director, SC/TA | 9/9/2019 |
| Jody Dumas | Acting Assistant Superintendent, Chief Operating Officer | 7/16/2019 |

² Witnesses are referred to by their last names throughout the remainder of the Investigation Report. In this report, reference to witness testimony is noted by the last name of the witness and the page number in the transcript where the testimony appears. Several witnesses were interviewed multiple times. Bonner's 9/9/2019 interview is referenced in the report as (Bonner II). Bowden's 9/10/19 interview is referenced as (Bowden II). Lempe's 9/10/19 interview is referenced as (Lempe II).

| | | |
|-------------------|--|------------------------|
| | Executive Director, Facilities, Planning, Construction | |
| Kathy Ebaugh | former Long Range Planning Director | 7/2/2019 |
| Tim Enos | District Police Chief | 8/27/2019 |
| Patricia Gardner | President SC/TA | 9/9/2019 |
| Keisha Gray | Cheraina Bonner's friend | 8/2/2019 |
| Al Harayda | Employee Relations and Equity Administrator | 7/30/2019 |
| Laura Kingsley | Assistant Superintendent, Chief Academic Officer | 7/17/2019 |
| Scott Lempe | former Assistant Superintendent, Chief Operating Officer | 7/16/2019 9/10/2019 |
| Carolyn Mason | Jeff Maultsby's friend | 8/27/2019 |
| Jeff Maultsby | Assistant Superintendent, Chief Operating Officer | 8/1/2019 |
| Lindsay Sabo | Administrative Assistant to Assistant Superintendent, Chief Academic Officer | 7/15/2019 |
| Roy Sprinkle | Executive Director, Human Resources | 8/1/2019 |
| Linda Termine | Administrative Assistant to Superintendent | 7/17/2019 |
| Kathy Tompkins | Administrative Assistant to School Board | 7/11/2019 |
| Bridgette Ziegler | School Board Member | 8/8/2019 |
| Garoline Zucker | School Board Member | 7/16/2019 |

At the beginning of interviews, SWI informed the witnesses who were employed by the District that they had a duty to fully cooperate in the investigation by answering all

questions fully and honestly.³ SWI also reminded witnesses that District policy prohibits retaliation against employees for reporting misconduct or for participating in the investigation of a complaint. Witnesses were placed under oath and the interviews were recorded and transcribed by a court reporter.

B. Documentary Evidence Reviewed

SWI was provided or given access to documents and other evidentiary materials during the investigation. The primary evidentiary items considered in this investigation are listed below:

1. Organizational charts
2. Employee contracts (Bowden, Maulsby and Harayda)
3. Job descriptions (Maulsby, Harayda and Bonner)
4. Personnel files (Bowden, Maulsby, Harayda and Bonner)
5. Investigation files relating to complaints against Bowden alleging harassment and retaliation
6. Log of complaints filed under Equity policy
7. School Board Policy 2.70 – Bullying and Harassment and documents related to its history
8. School Board Policy 2.72 – Discrimination- Employee/ Applicants and documents related to its history
9. Employee/Applicant/Student Complaint Procedure and documents related to its history

³ SWI wants to acknowledge those individuals who are not current employees of the District who agreed to give interviews even though they had no legal obligation to participate in the investigation process.

10. Discrimination Complaint form and documents related to its history
11. Documents provided by Bonner including emails, narrative of events and samples of Maultsby's calendar.
12. Floor plan of the north side of the third floor of green awning building in the Landings
13. Applicant file for route supervisor position
14. Bowden's file and his timeline of events related to Bonner's complaint
15. Harayda's file related to Bonner's complaint including his handwritten notes of the May 10, 2019 meeting and pertinent email exchanges
16. Text messages between Maultsby and Bonner during the time period July 9, 2018 and April 5, 2019 including the December 25, 2018 video and the March 18, 2019 text and hyperlink
17. Sarasota County Sheriff's Office ("SCSO") Report following Bonner's initial complaint on May 22, 2019
18. SCSO Supplemental Report prepared after Bonner was interviewed and text messages were retrieved on May 24, 2019
19. Emails between Beeker and SCSO
20. CD of Bonner's interview by SCSO on May 24, 2019
21. Agendas, videos and minutes of School Board meetings
22. Media statements issued by the District on May 24, 2019 and June 18, 2019 and emails and documents related to their preparation and issuance
23. Media accounts pertaining to matters relevant to investigation

24. Documents provided by Lempe including emails to and from Lempe and Bonner
25. Documents provided by Ziegler including her handwritten notes from May 21, 2019 and a voicemail from Bonner on June 4, 2019
26. Bowden's letter to Maulsby placing him on administrative leave effective June 18, 2019
27. Exhibit 1 - Bonner's May 24, 2019 complaint under Policy 2.72 alleging race, color and sex discrimination and retaliation by Bowden and Harayda in their handling of Bonner's complaint against Maulsby.
28. Exhibit 2 - Bonner's June 10, 2019 EEOC Charge alleging sexual harassment, hostile work environment and retaliation by Maulsby.
29. Exhibit 3 - Bowden's August 16, 2019 letter asking SWI to investigate whether "SC/TA" had a role in Bonner's complaint against Bowden.
30. Exhibit 4 - Bonner's complaint alleging additional claims of harassment, hostile work environment and retaliation by Bowden and others in the District as described in an August 17, 2019 letter from Bonner's counsel.

C. Policies and Procedures Identified

The following policies, procedures and codes of conduct were considered relevant to the investigation:

1. School Board Policy 2.70 - Bullying and Harassment (rev. 11/16/2018) ("Policy 2.70")

2. School Board Policy 2.72 – Discrimination-Employees/Applicants (rev. 11/18/18) ("Policy 2.72")
3. Employee/Applicant /Student Complaint Procedure ("Discrimination Complaint Procedure")
4. Sarasota County Schools Employee Handbook ("Employee Handbook")
5. Code of Professional Conduct of the Non-Instructional Support Staff Employed by the School Board of Sarasota County
6. Code of Professional Conduct for the Education Profession In Florida

III. Overview of Governing Law

In conducting the investigation, SWI considered the legal framework for Bonner's complaints under both federal and state law. In **Exhibit 1** Bonner alleges that the District discriminated against her based on her gender (female) and based on her race and color (African American). In **Exhibit 2** Bonner alleges that she was sexually harassed by Maulsby, that she was subject to a hostile work environment and that she was subject to unlawful retaliation. In **Exhibit 4** Bonner claims that Bowden's request that the scope of the investigation be expanded to inquire into Bonner's relationship with the SC/TA created a hostile work environment and subjected her to further unlawful retaliation.

A brief overview of the governing law follows:

Title VII of the Civil Rights Act of 1964 and the Florida Civil Rights Act prohibit an employer from discriminating against an employee based on certain protected

characteristics which include sex, color and race. Policy 2.72 and Policy 2.70 are consistent with the federal and state laws.

Unlawful discrimination can present in different forms. "Disparate treatment" is the type of discrimination that is implicated when an employee claims she was treated differently from other similarly situated employees in the terms, conditions and privileges of employment because she belongs to a protected group. In **Exhibit 1** Bonner raises a disparate treatment claim when she alleges that the District's mishandled her sexual harassment and hostile work environment claims. Bonner is essentially claiming that the because she is an African American and a woman, Bowden and Harayda responded differently to her complaints and treated her less favorably than they would a white man under the same circumstances.

Unlawful discrimination can also take the form of sexual harassment. Sexual harassment often occurs through the creation of a "hostile work environment". A sexually hostile work environment exists when unwelcome sexual advances, requests for sexual favors, sexually abusive or vulgar language, or other verbal, visual or physical conduct unreasonably interfere with an employee's work performance or create an intimidating, hostile or offensive work environment. To establish sexual harassment pursuant to federal and Florida law under a hostile work environment claim, an employee must demonstrate that: (1) she was subjected to unlawful harassment ; (2) the harassment was based on sex; and (3) the harassment was sufficiently severe or pervasive as to alter the terms or conditions of employment or create an abusive working environment. A work environment is more likely to be considered hostile when it involves the conduct of a

supervisor because a supervisor is in a position where he or she is more likely to be able to affect the terms and conditions of a subordinate's employment.

In determining whether a work environment is hostile, conduct is judged both objectively and subjectively. Objectively, the conduct complained of must be severe or pervasive enough that a reasonable person would find it hostile and abusive. The conduct must also be subjectively hostile. In other words, the complaining employee must demonstrate that she perceived the conduct as hostile or abusive. In **Exhibit 2**, Bonner is alleging that Maulsby sexually harassed her and that he created a hostile work environment.

"Retaliation" is another form of discrimination. Retaliation occurs when an employer or its agents take materially adverse actions against an employee because she opposed practices forbidden by Title VII or because she filed a complaint or assisted with or participated in an investigation. To prove unlawful retaliation, the employee must show that her protected activity was the "but/for" cause of the employer's adverse action. In **Exhibit 1** Bonner is alleging that the District, acting primarily through Bowden and Harayda, took adverse actions against her because she complained about Maulsby. In **Exhibit 2** Bonner is claiming that Maulsby intimidated and retaliated against her because she threatened and ultimately did complain about his sexual harassment. In **Exhibit 4**, Bonner is claiming that Bowden further retaliated against her by suggesting that her communications with representatives of the SC/TA were suspicious and needed to be investigated.

IV. Introduction to Principal Witnesses

A. Cheraina Bonner

Bonner is a forty-one-year-old African American female and a single mother of two. Bonner started working for the District in September 2015 as an administrative assistant to the principal of Emma E. Booker Elementary School. In July 2017, Bonner was promoted to the position of Administrative Assistant III working for Lempe, who was then serving as the Chief Operating Officer/Assistant Superintendent ("COO"). Bonner worked for COO Lempe until he retired in July 2018. Bonner began working for Maulsby after he took over as COO.

Bonner is classified as a "confidential" employee. Confidential employees are employees who are excluded from the District's two bargaining units due to the nature of their positions.

On June 30, 2018, Lempe completed a written performance evaluation for Bonner in which he gave Bonner the highest numerical rating possible in all categories. In the evaluation Lempe stated: "[S]he's smart, hard-working and tenacious. She has an incredibly unusual combination of skills. Couple that with people skills and you have a very rare superstar...In my mind there are four things that set her apart. They are: a deep skill set that she is willing to use to push the envelope of her job description, loyalty, like I have never experienced, a sincere respect for people, and a vision for who she is and where she wants to lead." As described further below, Lempe saw himself as Bonner's mentor. Lempe encouraged and assisted Bonner in her efforts to promote when he was employed by the District and even after he retired.

When Lempe retired in July 2018, Bonner began reporting to his successor, Maulsby. Bonner answered Maulsby's phone, maintained his calendar, organized and attended meetings, served as an administrative assistant to the departments Maulsby supervised, and performed other duties as assigned. Bonner began reporting to Dumas as the Interim COO on June 18, 2019. Bonner's office is located next to the COO's office on the third floor of the green awning building in the Landings complex.

Bonner has never been the subject of a harassment or discrimination complaint. Bonner did not complain of workplace harassment or discrimination prior to the events described in the Report.

B. Jeff Maulsby

Maulsby is a fifty-five-year-old single black male. The School Board appointed Maulsby to replace Lempe as COO. Maulsby started working in July 2018 under a one-year contract. In May 2019 the School Board approved a renewal of Maulsby's contract for the 2019/2020 school year. Before he came to work for the District, Maulsby served as the Director of Business and Economic Development for Sarasota County.

As COO, Maulsby supervises the following departments: Transportation, Human Resources, Food & Nutrition, Facilities, Planning & Construction, Communications, Information Technology and Safety & Security. Maulsby reports directly to Bowden. The COO's office is located on the third floor of the green awning building at the Landings.

On May 24, 2019, Maulsby's office was moved to Room 107 in the blue awning building at the Landings. Maulsby continued to perform his usual duties as COO after the physical relocation, including regular attendance at meetings on the third floor of the

green awning building where Bonner's office was located. On June 18, 2019 Maulsby was placed on a paid administrative leave of absence pending the results of this investigation.

Maulsby testified that he has never made or been the subject of a workplace harassment or discrimination complaint prior to the events addressed in this report.

C. Dr. Curtis "Todd" Bowden

Bowden is a forty-eight-year-old married white male. Bowden started working at the District in 2007 when he was appointed Director of the Sarasota County Technical Institute. He later became Executive Director of Suncoast Technical College. In November 2016 Bowden was selected as the Superintendent to succeed retiring Superintendent Lori White. Bowden assumed the duties of Superintendent in March 2017. In February 2019, the School Board approved a new employment agreement for Bowden that began February 20, 2019 and ends on July 30, 2023. Bowden reports to the School Board. Three assistant superintendents including the COO report directly to Bowden.⁴ Bowden's office is on the third floor of the green awning building at the Landings.

Bowden has been the subject of sexual harassment claims before and after his appointment as Superintendent. Before the School Board selected Bowden as Superintendent, the District retained outside counsel to conduct an investigation into rumors that Bowden sexually harassed Susan Forrest ("Forrest"), a former teacher at Suncoast Technical College and that Bowden created a hostile work environment (sexual

⁴ The other assistant superintendents are Laura Kingsley, Chief Academic Officer and Mimi Corcoran, Chief Financial Officer.

discrimination) for and retaliated against Lyna Jiminez-Ruiz ("Jiminez-Ruiz"), an Assistant Director of the Suncoast Technical College. The outside investigator submitted a report on October 4, 2016 ("Joshi Report") finding Forrest's allegations to be "inconclusive" and finding Jiminez-Ruiz's claims of hostile work environment (sexual discrimination) and retaliation to be "unfounded".

After becoming superintendent, Bowden has been the subject of two EEOC charges filed by Jiminez- Ruiz. In December 2017, Jiminez- Ruiz filed EEOC Charge 511-2018-0118, in which she alleged that Bowden and Jiminez-Ruiz' supervisor retaliated against her for making good faith sexual harassment complaints. The School Board retained an outside attorney Richard Blystone to conduct an outside investigation of Jiminez-Ruiz' retaliation complaints. In a February 14, 2018 report, ("Blystone Report"), Blystone concluded that the retaliation allegations against Bowden were "unfounded". The EEOC issued a right to sue letter on April 17, 2018.

On June 14, 2018 Jiminez-Ruiz filed EEOC Charge 511-2018-03275 in which she alleged, among other things, that Bowden sexually harassed her in July 2015 and that Bowden and Jiminez-Ruiz' supervisor continued to retaliate against her after Bowden became superintendent. The EEOC issued a right to sue letter on June 28, 2018.

Jiminez-Ruiz has continued to pursue her claims against the School Board based on allegations that she was the victim of Bowden's sexual harassment, hostile work environment and retaliation, as well as other claims, in a lawsuit filed in federal court in a case styled *School Board of Sarasota County, 8:18-GV-01768-T-17-AEP* pending in the Federal District Court for the Middle District of Florida.

D. Alfred Harayda

Harayda is a forty-eight-year-old black male. Harayda started working for the District in 2011. He currently serves as the Employee Relations and Equity Administrator. According to Harayda's job description, he is required to participate in personnel decisions involving employees; to monitor and oversee all investigations for the District and to serve as the District Equity Coordinator.

The Discrimination Complaint Procedure⁵ states that the Equity Coordinator is responsible for monitoring the District's compliance with Federal and State regulations relating to civil rights, discrimination and harassment. The Equity Coordinator is also responsible for coordinating responses to complaints.

Harayda reports to Sprinkle, Executive Director of Human Resources. Harayda's office is located on the first floor of the maroon awning building at the Landings.

V. Summary of Evidence and Findings of Fact

This section of the Report is broken down into two sections. The first section covers events that occurred before April 9, 2019 (the date the District first received notice that Bonner had concerns about Maulsby's conduct). The second section covers events that occurred after April 9, 2019. Each section is divided into topics. When possible, the topics are presented chronologically. Some topics could not be addressed sequentially because the matters described presented more as a pattern of conduct rather than a distinct event or because witnesses could not recall the dates events occurred.

⁵ The District Complaint Procedure was adopted to implement Policy 2.72. The District Complaint Procedure was revised when Policy 2.72 was revised in 2018.

To the extent that matters were disputed, SWI made findings of fact using a preponderance of the evidence standard. In making findings of fact, SWI consider the credibility of witnesses. In making credibility determinations, SWI considered factors such as; whether a witness' testimony was corroborated by other evidence; whether the testimony was plausible and reasonable under the circumstances; whether the witness had the means and opportunity to know the facts about which he/she testified and whether the witness made contradictory or inconsistent statements. In making credibility determinations SWI also considered witnesses' past history, possible bias and motive to tell the truth.

A. Relevant events occurring before April 9, 2019

1. Maultsby sends texts to Bonner's personal phone

Some of the critical evidence in this investigation comes from the 831 text messages exchanged between Maultsby and Bonner on their personal cell phones during the time period July 9, 2018 through April 5, 2019. Maultsby was assigned a cell phone for District business, but he preferred to text Bonner using his personal cell phone account. Maultsby explained that before his official start date Bonner sent a text to his personal number, so it became a "habit" for him to text her from his personal cell phone account (Maultsby 49-50). Maultsby did not use his personal cell to text other district employees (Maultsby 49). Bonner did not have a District assigned cell phone, so she received all Maultsby's texts on her personal cell phone.

Maultsby admitted that the texts he exchanged with Bonner were part personal and part business (Maultsby 50). Maultsby also acknowledged he should have used his

District phone for District business. However, Maultsby did not believe that his text communications with Bonner violated any District policies (Maultsby 51). Maultsby testified that he did not think his text communications with Bonner were unwelcome, sexually offensive or otherwise inappropriate when viewed in the context of their friendly and joking relationship (Maultsby 58, 79).

Bonner felt otherwise. Bonner testified that in the beginning, Maultsby's texts made her feel "uncomfortable", but she "dismissed" the feeling (Bonner 57). As the texts became more frequent and personal, Bonner's discomfort increased to the point she became disgusted and even threatened (Bonner 91). Bonner testified that Maultsby's texts made her think that Maultsby thought that he and Bonner had a "secret relationship" (Bonner 91). Bonner showed some of Maultsby's texts to her friends, confidantes and coworkers and made contemporaneous comments about the discomfort they caused her. In her interview, Bonner identified the specific text communications with Maultsby that troubled her the most. Those specific text exchanges are described in further detail later in this report.

SWI made the following observations after examining the body of text exchanges. Many of the text exchanges occurred outside working hours. Many of the afterhours text communications were initiated by Maultsby late at night, during weekends and over holiday breaks. Most of the texts sent outside working hours did not involve matters that could be reasonably viewed as relating to District business. Maultsby did not think his texts were inappropriate or sexually offensive (Maultsby 58, 79). Bowden and Beeker testified that they found Maultsby's texts to be inappropriate, but they did not think any were sexual in nature (Bowden 109-110, Beeker 84-85).

SWI disagrees with Maultsby, Bowden and Beeker's opinion that Maultsby's texts were not sexually offensive. SWI finds that the frequency, timing and content of Maultsby's texts support Bonner's claims that she was subjected to communications that were not only inappropriate; they were sexually offensive and intimidating especially in the context of a supervisor/subordinate relationship. Maultsby's text communications contributed to Bonner's perception that she was the victim of a sexually hostile work environment.

2. Maultsby discourages Bonner's promotion

It is undisputed that Bonner wanted to pursue promotional opportunities in the District. Bonner claims that Maultsby blocked her attempts to obtain promotions. The disputed issues are whether, and to what extent, Maultsby tried to interfere with Bonner's attempts to obtain a promotion.

Lempe knew that the District was going to have an opening for a route supervisor in the Transportation Department. Lempe encouraged Bonner to apply for the position when it became available. Bonner obtained her CDL license on her personal time in order to qualify for the job.⁶ Had Bonner been hired for the route supervisor position she would have received a \$14,558 increase in her annual earnings.

Bonner submitted an application for the route supervisor position on May 10, 2018. Bonner testified that on July 16, 2018, the first day she met Maultsby and before he officially started work, she told him that she had applied for the route supervisor position (Bonner 22). Bonner testified that when Maultsby confirmed that the route supervisor

⁶ The job description for route supervisor lists the possession of a valid Florida Commercial Driver's License with Class B endorsement as one of the qualifications for the job.

position was under his chain of command, Maulsby told Bonner she could not have the job because he needed her to stay in her current position to make him successful (Bonner 26). Maulsby denied making the statement that Bonner attributes to him. Maulsby said the decision to hire the route supervisor was made prior to his employment (Maulsby 22-25). However, District records indicate that Bonner interviewed for the position on July 26, 2019, several days after Maulsby started with the District.

Bonner was disappointed when she learned someone else was selected for the route supervisor position. Bonner was also surprised because the woman who was selected did not have a CDL license. Bonner testified that when the hiring decision was announced, Maulsby reminded Bonner that he told her he was not going to allow the Transportation Director to hire her (Bonner 31-35). Bonner testified that Maulsby tried to appease her by telling her that he would get her a raise since he kept her from getting the job (Bonner 34-36). When Bonner tried to explain to Maulsby that he could not simply give her a raise, Maulsby said that Bowden would let him give her a raise if he wanted (Bonner 34-35). Bonner testified that since she started working for Maulsby, she expressed an interest in several other positions including a position in Facilities, Planning & Construction and in Human Resources. However, Bonner did not actually apply for the other positions because she knew Maulsby would not allow her to leave.

Maulsby denied having anything to do with Bonner not being selected as route supervisor position. Maulsby testified that he tried to get a raise for Bonner, but he was blocked by Human Resources. Maulsby testified that he never threatened to block nor did he take any actions to prevent Bonner from taking another job. Although Maulsby wanted Bonner to remain as his administrative assistant, he did not do anything to

discourage her advancement. Maulsby testified that it was Bonner's decision not to apply for other positions because she didn't trust anyone else to work for Maulsby (Maulsby 28-29). According to Maulsby, Bonner told him the only way she would leave her position was if Maulsby was able to replace Bonner with his former administrative assistant from Sarasota County (Maulsby 29).

There is insufficient evidence to support a finding that Maulsby interfered with or prevented Bonner from getting the route supervisor job. SWI's review of the hiring file supports the conclusion that hiring committee gave higher ratings to the successful candidate after. It is possible that the Transportation Director who, was one of four members on the hiring committee, gave Bonner lower numerical ratings because he was influenced by Maulsby, however, there is insufficient evidence to make that factual finding⁷.

Even if Maulsby did not interfere with Bonner's promotion to route supervisor or any of the other positions in which she expressed an interest, the greater weight of the evidence supports a finding that Maulsby repeatedly told Bonner and other District employees that he would block Bonner's attempts to promote because he wanted to keep her as his administrative assistant. Two other administrative assistants, Tomkins and Sabo, testified that on several occasions they heard Maulsby tell Bonner that he would not let her leave (Sabo 16-18, Tomkins 18-22). Kingsley testified that Sabo and Bonner came to her to complain about Maulsby's attempts to block Bonner's career advancement in the District. Kingsley gave Bowden a heads up about Bonner's

⁷ The Transportation Director was not interviewed; he is no longer employed by the District.

complaints, but Kingsley could not recall when that conversation occurred (Kingsley 17-24).

Lempe and Bonner stayed in close contact after Lempe's retirement (Lempe 19). They were friends, and Bonner relied on Lempe for advice and for validation of her concerns (Lempe 45). Bonner told Lempe that Maulsby would not let her leave take another position in the District (Bonner 20, Lempe 27-28). Lempe served as a voluntary mentor to Maulsby. Lempe testified that whenever he met with Maulsby he encouraged Maulsby to tap into Bonner's potential and to promote her advancement (Lempe 30-31). Lempe provided SWI with a copy of a February 14, 2019 email he sent to Maulsby following a mentorship lunch. In the email, Lempe reminded Maulsby that Bonner "has potential way beyond her current role."

The greater weight of the evidence supports the finding that Maulsby discouraged Bonner from leaving her position as his administrative assistant to pursue other employment opportunities in the District, and that Bonner was frustrated with his lack of support. The greater weight of the evidence also supports a finding that Bonner did not apply for other positions because she reasonably believed Maulsby would block her from getting the job.

3. Maulsby represents that Bowden is "his boy"

Bonner testified that Maulsby constantly bragged that Bowden was his friend and that Maulsby could get Bowden to do anything Maulsby wanted (Bonner 47). Maulsby showed Bonner pictures of he and Bowden socializing outside work (Bonner 47). Bonner wrote a narrative in which she described how Maulsby explained his relationship with the

School Board. He told Bonner that he knew most of the School Board members; the Board was Bowden's boss; they can't tell me what to do, "Dr. Bowden is going to protect me," Bonner asked Maultsby why he needed alliances as he had not been with the District long enough to be thinking about how to get out of trouble. Maultsby replied, "You have to be prepared". Maultsby told Bonner he didn't have anything to worry about. As long as Bowden was there, his job was safe because "that was his boy". Bonner believed that Maultsby had the ability to get Bowden to do whatever he wanted him to do, including terminating directors (Bonner 47-48).

Other witnesses also believed Maultsby could influence Bowden's decisions. Ebaugh confirmed that Maultsby referred to Bowden as "his boy". Ebaugh testified that there was an understanding "when he says Todd's my boy, that fits with what we would expect because Todd recruited him to be there" (Ebaugh 41, 99-100). Ebaugh said that even she, as a director, would not tell Bowden that she (Ebaugh) was having difficulties working with Maultsby because she knew how close Bowden was to Maultsby (Ebaugh 85-86).

Sabo, Tomkins and Lempe testified that Maultsby often referred to Bowden as "his boy" (Sabo 36, Tomkins 33-34, Lempe 41, Ebaugh 40-41). When Lempe was mentoring Maultsby they talked about his role as assistant superintendent. Maultsby told Lempe that his job description was simple - to protect the superintendent. Maultsby told Lempe "that's my boy, I got to take care of my boy" (Lempe 39-41). Lempe testified that Bonner told him she was concerned about Bowden being a part of the team investigating her complaint. Bonner thought if Bowden and Maultsby have this "my boy" relationship, she

(Bonner) could never get a fair shake. Lempe thought Bonner's concerns were legitimate (Lempe 44-45).

Bowden testified that he never knew that Maulsby referred to him (Bowden) as "his boy" until his April 12, 2019 meeting with Bonner. In the April 12, 2019 meeting, Bonner told Bowden that Maulsby bragged on a regular basis that he and Bowden were friends, that Bowden would take care of him (Maulsby) and that they both had each other's backs (Bowden 39-40). Bowden was surprised to hear that Maulsby used the term "my boy" because Maulsby previously took offense when someone else used that term, Maulsby thought the use of the term was a racial slur (Bowden 39-40, 49-50). Bowden testified that Maulsby must have overrated their friendship.

Maulsby testified that he did not tell others nor did he ever imply that he (Maulsby) could exercise undue influence over Bowden (Maulsby 32). Maulsby adamantly denied ever referring to Bowden as "his boy". Maulsby said that as an African American male he finds the term "boy" to be extremely derogatory and that he (Maulsby) would never use that term (Maulsby 32-33).

SWI did not make findings about the extent of the personal relationship between Bowden and Maulsby or about Maulsby's ability to influence Bowden's decisions. However, SWI was able to conclude that the greater weight of the evidence supported the conclusion that many District employees, including Bonner, reasonably believed that Maulsby had a personal friendly relationship with Bowden outside of work, that Bowden had Maulsby's back and that Maulsby was able to influence Bowden's personnel decisions.

4. Maultsby orders solid office door – August 2018

Maultsby initiated plans to remodel his office even before his official start date. He told Bonner he wanted to replace his windowed office door with a solid door. Bonner tried to discourage Maultsby. Bonner told Maultsby that being behind closed doors can be uncomfortable for women. She explained that other administrators have windows in their office doors because it promotes transparency and discourages the perception of intimidation (Bonner 51-53). Maultsby told Bonner that people were nosy, and they didn't need to see what he was doing in his office (Bonner 53-54). Maultsby ordered the new door. When the solid door was delivered, Bonner sent it back, Maultsby reordered it. The solid office door was installed on August 19, 2019.

Maultsby testified that he ordered a solid office door because he handles confidential information and he did not want an audience or the distraction that a window allows (Maultsby 52). Maultsby recalled that Bonner was opposed to his decision to replace the door because she wanted to protect him from a female making an accusation of harassment (Maultsby 52-53). Maultsby dismissed Bonner's concerns because he (Maultsby) was always very professional and his behavior had never been questioned⁸ (Maultsby 53).

5. Maultsby's texts become personal - Autumn 2018

Bonner testified that one of the first texts that made her uncomfortable was the text with the crying emoji that Maultsby sent her at 5:22 pm on August 22, 2018, within a month after he started working at the District (Bonner 81-82). Bonner responded, to the

⁸ The window was reinstalled on May 11, 2019

emoji by asking Maulsby what was wrong. Maulsby replied: "I miss you Ms. Raina." Bonner was also disturbed by texts with crying emojis that Maulsby sent her on September 11, 2018 when Bonner told him she might not be in the office when he returned from a meeting. Maulsby did not think there was anything improper or sexually suggestive about his texts and his use of crying emojis. He testified that was simply trying to communicate to Bonner that he had not seen her for most of the day (Maulsby 59-61).

Bonner testified that she was bothered by the text Maulsby sent on September 3, 2018 at 10:25 pm which had no dialogue just an emoji with a set of eyes looking around (Bonner 80-81). Bonner felt like Maulsby was looking at her. Bonner did not respond. Maulsby said that the text with the eyes emoji needed to be considered in the context of their earlier text communications about a talented local basketball player. Maulsby testified that he sent the eyes emoji to Bonner as an acknowledgment that he recognized the player was talented. Maulsby did not think Bonner would be offended by receiving a friendly text at 10:25 pm (Maulsby 62-64).

Bonner testified that she was also bothered by a lengthy text exchange that Maulsby initiated on Sunday December 9, 2018, at 7:37 pm (Bonner 77-79). Maulsby started the conversation with "hey" followed by kissy faced emojis. Without receiving a response, Maulsby switched to the topic of the Raider's game. Bonner tried to end the conversation at 7:54 pm with the comment: "you have a good evening", but Maulsby continued with a series of texts beginning at 7:55 pm: "I love you Raina!!", "You know I love you Ms. Raina.", "I'm just kidding. This will not carry over to tomorrow.", "Right?!" Bonner responded at 7:58 pm with emojis followed by the text: "I'm over it for now". Maulsby continued to text Bonner. At 8:08 pm he texted: "Ms. Raina. I'm saying I love

you. I'm over it.", "Let it go!!" Bonner replied "I see how you operate... Okay It's over. But I know your kind." Bonner testified that she was bothered by how the December 9, 2019 text exchange started as a friendly conversation about football and then turned to love.

Maultsby testified that in the December 9, 2018 text conversation was simply him "razzing" Bonner after his team, the Raiders, beat her team, the Pirates. He characterized the conversation as being the kind that friends have after a football game (Maultsby 66-69). Maultsby testified that he did not use the term "love" to cross any boundaries; he used it in banter that he said is common in the African American culture (Maultsby 71). Maultsby testified that he was trying to communicate that there would be no hard feelings over the game when they returned to work the next day (Maultsby 69).

Maultsby's early texts to Bonner serve as proof that Maultsby began overstepping the boundaries that should exist between a supervisor and his subordinate from the very beginning of his employment with the District. Bonner did not tell Maultsby not to text her. However, the greater weight of the evidence supports a finding that Bonner did not welcome the text communications. There was no legitimate business reason for Maultsby to text Bonner about personal matters or for him to send texts that could reasonably be interpreted as an expression of personal affection.

6. Maultsby's calendar requests cause concern—Autumn 2018

Bonner began having concerns about Maultsby's work ethic almost immediately after he started in the position of COO. For example, Bonner testified that Maultsby often asked Bonner to block off time on his calendar for fake events such as "school tours" (Bonner 14, 121-1260. Bonner thinks Maultsby made up fake business events so the time

would not be charged to Maulitsby's personal account (Bonner 16, 123-126). Bonner told Kingsley, Lempe, Ebaugh, and Sabo that she was troubled Maulitsby asked her to calendar events that did not exist or that he did not plan to attend (Kingsley 17, Lempe, 46-47, Ebaugh 68-69, Sabo 14). Lempe confirmed that the practice Bonner described was inappropriate (Lempe 46-47).

7. Bonner changes her workplace attire

Bonner testified that she was uncomfortable about the way Maulitsby looked at her, and that she started covering herself up at work (Bonner 208). Ebaugh corroborated Bonner's testimony. Ebaugh described how Maulitsby reacted to one of Bonner's outfits by looking her up and down. Ebaugh observed how over time, Bonner became very guarded in her interactions with Maulitsby (Ebaugh 34). Bonner began dressing more conservatively. She did not want to show any skin and she started wearing a big sweater every day. Bonner told Ebaugh that she changed her work attire because Maulitsby's comments and looks made her uncomfortable (Ebaugh 19-22, 33-34).

8. Maulitsby makes offensive comments about female employees ⁹

Bonner testified that Maulitsby made unwelcome sexual comments about other female employees which contributed to Bonner's belief that she was working in a sexually charged, hostile work environment. Some of those comments are referenced in Exhibit 2. Some of the more specific and notable comments are summarized below.

⁹ SWI was unable to determine the specific dates that Maulitsby made the alleged comments described in this section of the report.

Maultsby did not get along with one of the female directors in the Facilities, Planning & Construction Department. Maultsby told Bonner that he was going to get rid of her. Maultsby said: "Look at her, I would never f*** her, she got to go." (Bonner 199). Maultsby denied making the comment. He testified that he never talks that way to ladies, and he never made the comment that Bonner described (Maultsby 98-99). Several witnesses, including Dumas, corroborated the fact that Maultsby and the female director clashed. It is undisputed that the female director's contract was not renewed for the 2019/2020 year. Dumas testified that he, not Maultsby, made the non-renewal decision which was based in part on the director's inability to adapt to working with Maultsby (Dumas 30-34). There was no witness who could corroborate that Maultsby made the statement that he would not "f***" the female director.

Bonner said Maultsby made inappropriate comments to her about another female director who Maultsby thought was flirting with him. Bonner testified that Maultsby said "Ms. Raina, "she don't know who she is messing with. I'm a beast in the bed, I will have her ass climbing the wall." (Bonner 84-86). In his interview Maultsby acknowledged this particular female director asked him to lunch. Maultsby told Bonner he did not want to be alone with the female director. Maultsby said he and Bonner joked about the situation. However, Maultsby adamantly denied making the comment that Bonner attributed to him (101-103). "I don't talk that way in front of ladies." (Maultsby 103). There were no witnesses to the conversation.

Bonner said Maultsby made inappropriate comments about another female employee who expressed an interest in transferring to one of the departments Maultsby supervised. Bonner testified that Maultsby referred to the female employee's body and

said he could not hire her. Maulsby said he would get in trouble because he wouldn't be able to control himself if she worked in one of his departments (Bonner 88-89). Maulsby recalled discussing the employee with Bonner and telling Bonner that he would not put someone in a position where they could not be successful, but Maulsby adamantly denied making any comments about the female employee's physical appearance or about his inability to control himself around her (Maulsby 104-105). There were no witnesses to the conversation.

Sabo and Tomkins testified that they were uncomfortable working around Maulsby. Sabo's office is located near Maulsby and Bonner's office. Sabo did not like that Maulsby called her by a pet name (Sabo 13). Tomkins, another administrative assistant on the third floor was also bothered by the fact Maulsby gave all the female employees nicknames (Tomkins 17-18). Tomkins and Sabo testified that Maulsby looked for women to stroke or feed his ego (Tomkins 18, 32, Sabo 13-15). Sabo and Tomkins tried to distance themselves from Maulsby (Sabo 11-12, Tomkins 60). Tomkins testified that Maulsby's inappropriate behavior, particularly as it was directed to Bonner, had a negative effect on the third-floor work environment (Tomkins 60).

There are no witnesses to corroborate Bonner's specific accounts of Maulsby's sexually offensive comments about other female employees. However, Maulsby's alleged sexually charged comments about other female colleagues is consistent with the pattern of behavior that Maulsby exhibited in his direct interactions with and in his text communications with Bonner. The greater weight of the evidence is sufficient to support at least the general finding that Maulsby made sexual comments in the workplace about

other female employees in the presence of Bonner and other employees that could be objectively perceived as unwelcome, sexually offensive and hostile.

9. Maultsby sends text with video – December 25, 2018

On December 25, 2018 at 12:58 am Maultsby sent Bonner a text: "Your boy is jamming tonight" with a video clip. Bonner read the text without viewing the video and responded "LOL". When Bonner watched the video later that day she was disgusted. It is difficult to discern what is depicted in the video because the picture is dark, and the images are unsteady. However, it appeared to Bonner that Maultsby took the video of himself when he was drunk. In the audio, Maultsby is singing, "your man is home tonight." You can also hear Maultsby's voice saying "I'm not going to show you what I am doing. I am just going to talk to you." (Bonner 69-72). Bonner said the video gave her an "icky feeling." She wondered why Maultsby was thinking about her and why he filmed himself in the early morning hours on Christmas telling her he wouldn't show her what he was doing (Bonner 91).

Bonner discussed the video with Gray, Sabo, Tomkins and Ebaugh (Bonner 72-73). Bonner called Sabo the day after she received the video (Sabo 21-22). Sabo testified that Bonner was "upset, mad and annoyed" (Sabo 22). Bonner showed Tomkins the video when she returned from Christmas break. Bonner told Tomkins she couldn't understand why her boss would send her something like that especially on Christmas (Tomkins 25-26). Bonner told Ebaugh about the video after Christmas break and then showed her the video in February 2019 (Ebaugh 47-48). Ebaugh testified that Bonner said she felt "violated" by the video (71).

Maultsby continued to text Bonner over the Christmas break. On Sunday, December 30, 2018 at 12:38 pm Maultsby texted Bonner: "Hey Ms. Raina.". Bonner replied; "Hey there sir... How is it going" Maultsby texted Bonner again at 6:07 pm: "where the party at?" "I know you heard me galll".

Maultsby explained the Christmas video in the context of his pre break conversations with Bonner about their respective holiday plans. He and Bonner joked that this was his first year at the District and he would not know what to do on such a long break (Maultsby 72-74). Maultsby spent Christmas in his hometown of Winterhaven, Florida. Maultsby took the video of himself at a night club in Winterhaven. Maultsby said the video did not show him dancing. The camera was pointed at the floor (Maultsby 74-75). Maultsby testified that in the video he was trying to let Bonner know that he was home and doing well (Maultsby 75). Maultsby admitted that he was drinking when he took the video, and that he could have exercised "better judgment" as far as texting Bonner late at night. However, other than the timing of the text, Maultsby did not think the text and video were inappropriate given the relationship boundaries that he and Bonner had established. (Maultsby 75-76).

It is undisputed that Maultsby sent Bonner a text in the early morning hours of December 25, 2018 with a video he took at a nightclub in Winterhaven. The audio speaks for itself. The overwhelming weight of the evidence supports a finding that Maultsby's December 25, 2019 text and video were inappropriate in both timing and content. It is undisputed that Bonner was disturbed by the text and video. Bonner was reasonable in her belief that the text and video were sexually offensive.

10. Maultsby's comment - "Make your toes curl"- January 2019

Bonner testified that she was disgusted by a comment Maultsby made to her when she came to work on January 9, 2019 complaining of a sore knee. Maultsby's comment was: "Call your boy and tell him to make your toes curl" (Bonner 82-83). Later that day, Bonner and Sabo were in Maultsby's office. Maultsby urged Bonner to tell Sabo what he said about his cure for her knee pain. Bonner refused so Maultsby repeated his comment to Sabo. Bonner said Maultsby seemed very proud of his clever remark. Sabo corroborated Bonner's testimony. Sabo said Maultsby was acting like a 12-year-old. Sabo walked out of his office (Sabo 33-34). Maultsby adamantly denied that he made the comments that Bonner and Sabo attribute to him (Maultsby 105-107).

SWI finds Bonner's account of Maultsby's conduct to be credible. Maultsby repeated the comment in Sabo's presence. The comment was sexually offensive and degrading to Bonner and women in general.

11. Maultsby asks Bonner to feel his shirt - January 2019

Maultsby's calendar referenced a January 19, 2019 meeting with Howard Katz in Maultsby's office. Bonner testified that Katz was Maultsby's tailor (Bonner 123). Bonner was in Tomkins' office when Maultsby summoned her to the restroom where Katz was fitting him with a custom jacket. Maultsby held the bathroom door open so he could model the jacket for Bonner. Bonner returned to Tomkins office only to have Maultsby summon her again. Maultsby was trying on a custom shirt. Maultsby asked Bonner to feel the shirt (Bonner 95-98). Maultsby asked her how it felt against her skin (Bonner 97).

Tomkins also remembered the day the tailor came to the office to fit Maultsby with custom clothes. Tomkins heard Maultsby ask Bonner to come feel his new shirt (Tomkins 61-63). Tomkins saw Bonner go over to Maultsby and heard him insist that she touch his shirt (Tomkins 62). Sabo also recalled the tailor coming to the office. She heard Maultsby call out to Bonner to come feel his shirt. Sabo saw Bonner reluctantly touch Maultsby's shirtsleeve (Sabo 26-28).

Maultsby acknowledged that his tailor came to his office several times. Maultsby said he "may" have asked Bonner what she thought of his clothing selection because Bonner "had an opinion on every detail imaginable". Maultsby testified he might have asked for Bonner's opinion on the texture of a shirt, but he was not sure if he was wearing the shirt or whether the shirt was on his desk when he asked for her opinion (Maultsby 34-36). Maultsby did not think his conduct was inappropriate.

The greater weight of the evidence supports the finding that the event occurred as Bonner described. Maultsby was not furthering District business when he summoned Bonner to participate in and comment on his custom clothing. Maultsby's insistence that his administrative assistant feel the fabric of his new shirt was inappropriate and could reasonably be interpreted as a sexual innuendo.

12. Maultsby texts "Snitches get Stitches" – March 18, 2019

Bonner testified that she and Maultsby had a conversation in Maultsby's office in March 2019 several days before spring break. The conversation concerned an alleged event in the Transportation Department that Maultsby had been asked to investigate. Maultsby was irritated. He told Bonner he didn't have time for this "shit". He questioned

why people couldn't stay silent. Bonner challenged Maultsby. She said people need to report misconduct and advocate for themselves. Bonner then told Maultsby she was going to begin reporting "stuff" on him (Maultsby) because she was sick of the stuff he said. Bonner testified that in the context of this conversation, Maultsby said: "You know what they say in the street. 'Snitches get stitches'". Bonner walked out of the meeting without further comment (Bonner 64-67).

Maultsby sent Bonner a text on March 18, 2019 at 11:43 am during spring break and within a few days of their conversation in Maultsby's office. The text was "Stitches get stitches"¹⁰ with a link to a tweet from an article in New York World with the byline: "*A senior leader of South Africa's governing party was arrested in connection with a high profile political assassination*"¹¹ (Bonner 68, Maultsby 129). The article described the mafia style murder of a South African politician who opposed political corruption in a public works project. Bonner was dumbfounded. She replied by text: "Lmao"; "Wow" and "Lol". Bonner testified that she sent that kind of response when she did not know how to reply to one of Maultsby's texts (Bonner 67-69).

Bonner was intimidated by Maultsby's March 18, 2019 text. She was afraid that if she reported Maultsby, he might activate what she perceived as a threat. Bonner was afraid she might get demoted or fired, or even worse, physically hurt. She contacted her colleagues for advice. Sabo testified that Bonner told her about the "snitches get stitches" conversation with Maultsby. Bonner showed Maultsby's follow up text to Sabo. Bonner asked Sabo what she thought the text meant and whether Bonner was "supposed to fear for her life?" (Sabo 23-24). Bonner also discussed the text with Ebaugh and Lempe

¹⁰ It is assumed that "stitches get stitches" was a typo and that Maultsby meant to say "snitches get stitches"

¹¹ <https://twitter.com/nytimesworld/status/1176601972>

(Ebaugh 58-59, Lempe 50-52). Lempe testified that Bonner called him soon after she got the text. Lempe recommended that Bonner contact the Human Resources Department or the SCSO depending on her level of concern (Lempe 51).

Maultsby testified that he sent the March 18, 2019 text in the context of a conversation that he had with Bonner earlier that same day. Their conversation was about a local situation unrelated to the District where someone was not cooperating with authorities. Maultsby said he and Bonner simultaneously said, "snitches get stitches" and started laughing (Maultsby 83). Maultsby said he sent Bonner the hyperlink to the article because it pertained to the kind of snitches get stitches situation that they joked about earlier that day (Maultsby 85-86).

In his interview, Maultsby questioned how Bonner could claim the March 18, 2019 text was sent to retaliate against her when Bonner had not yet made a complaint against him. Maultsby did not recall Bonner ever suggesting that she was going to tell on him (i.e. report him) (Maultsby 85-87). Maultsby testified that he had no idea that Bonner had any concern or complaint about his conduct until Bowden told him about Bonner's concerns in a meeting on April 28, 2019 (Maultsby 129-130).

Maultsby testified that Bonner never indicated that she was offended by any of their interactions. He referred to the fact that Bonner hosted an office gathering to celebrate his birthday on March 15, 2019 (Maultsby 87-88). Maultsby also pointed to an April 5, 2019 text from Bonner attaching a photo of Bonner and her son at a family outing. (Maultsby 91).

The greater weight of the evidence supports the finding that Maultsby sent the March 18, 2019 text to Bonner in the aftermath of a conversation they had about reporting

workplace misconduct at the District. Under the circumstances, it was reasonable for Bonner to interpret Maultsby's text to mean that he would retaliate and possibly even cause her physical harm if she complained about his misconduct.

13. Maultsby offers Bonner financial assistance -- April 4, 2019

Bonner described several situations where Maultsby offered to provide financial assistance to Bonner's son. One of the offers arose during a conversation in which Bonner was telling Maultsby that she wanted a promotion so she could achieve financial stability and provide for her son. Maultsby told Bonner not to let her pride get in the way. Bonner testified that Maultsby told her "never let your little man go without anything, if he needs something, you come to me and I will give you the money" (Bonner 44-46). Bonner was offended by Maultsby's offer. Bonner told Maultsby that she did not want to depend on him. She was taught to work for what you want (Bonner 46).

Bonner also complained about a text that Maultsby sent her on April 4, 2019 when she was off work caring for her sick son. In his text, Maultsby asked how Bonner's son was feeling and if she needed anything. When Bonner replied that she did not need anything, Maultsby texted "[I]f that changes, don't hesitate to let me know", "We agreed to that" "I know you". Bonner testified that she thought that Maultsby was referring back to his previous offer to give her money for her son. Bonner testified that she would never ask Maultsby for anything. They were not in that kind of relationship (Bonner 46; 63-64).

Maultsby admits that he offered to provide financial assistance to Bonner's son. Maultsby did not think his offers of financial support were inappropriate; he thought he was simply being generous. Maultsby recalled the day Bonner was trying to make a

decision about whether to sign her son up for a sport and whether she could afford to buy the necessary equipment. Maulsby testified: "[O]ut of the altruistic generosity of my heart, I said to her don't make those decisions, if the kid wants to play let him play; and if we need to get him some baseball shoes, football cleats, whatever the case might be; don't let that be the reason you don't let the kid play" (Maulsby 33-34). Maulsby said Bonner did not react to his offer other than say something like she understood (Maulsby 34). Maulsby did not think his conduct was inappropriate.

It is undisputed that Maulsby offered to provide financial assistance to Bonner to help with her son. There are times when a supervisor's offer for financial assistance might be considered an act of generosity even if ill advised. However, under the circumstances of Bonner's heightened concerns over Maulsby's behavior, it was reasonable for Bonner to be offended by his offer and to view it as another attempt by him to exercise control over her personal life.

B. Relevant events occurring after April 9, 2019

1. Bonner shares concerns with Zucker – April 9, 2019

April 9, 2019 started as a very bad day for Bonner. Maulsby had been telling Bonner that his former administrative assistant was going to come to work for him so he would finally allow Bonner apply for a supervisor position in the Transportation Department. On the morning of April 9, 2019, Bonner asked Maulsby about the timetable for the transition. Bonner testified that Maulsby chuckled in response and said: "that ain't going to happen. She ain't coming over" (Bonner 100). Sabo overheard Maulsby tell Bonner she wasn't going anywhere, and she heard him laugh (Sabo 18-19). Sabo said

that when Bonner left Maultsby's office, Bonner was uncharacteristically quiet and tearful (Sabo 19). Sabo and Bonner took a walk so Bonner could regain her composure (Sabo 19).

Later that morning, Bonner stopped by Tomkins' office on her way to a meeting in the Transportation Department. Zucker was in Tomkins office. Zucker noticed that Bonner was upset. Zucker asked Bonner what was wrong (Bonner 101, Tomkins 29-31, Zucker 13-14). Bonner told Zucker that she was not going to get the position she wanted in the Transportation Department. Zucker suggested that Bonner enlist the support of her boss, Maultsby (Bonner 101). Tomkins told Zucker that Maultsby would not let Bonner leave her job as his administrative assistant. Tomkins prodded Bonner to open up to Zucker, and Bonner did (Bonner 102, Tomkins 31, Zucker 14). Bonner testified that the "floodgates opened", and she found herself telling Zucker about many of the problems she had working for Maultsby (Bonner 102). Bonner testified that she never intended to tell anyone in authority about Maultsby. Bonner intended to fake it until she could get another position (Bonner 102).

Bonner told Zucker that Maultsby would not let her leave her position to advance¹² (Bonner 103-104, Tompkins 31-32). Bonner also told Zucker that Maultsby sent her inappropriate text messages. Although Bonner did not show Zucker any of the texts, she told Zucker that Maultsby sent her the "snitches get stitches" text which Bonner took as a threat (Bonner 104-105).

¹² Zucker could not recall whether the issue of the promotion was discussed at the April 9, 2019 meeting or a later one (Zucker 15).

Zucker recalled that Bonner talked generally about Maultsby sending her inappropriate texts. Zucker specifically remembered Bonner talking about the video that Maultsby sent her early on Christmas morning (Zucker 14).

The three parties to the April 9 conversation (Bonner, Zucker and Tomkins) had slightly different recollections of the topics discussed. However, it is clear that Bonner disclosed misconduct by Maultsby, which if true, could lead to sexual harassment and hostile work environment claims. The three witnesses were also consistent in recalling that Bonner did not want to report her concerns to Bowden. Bonner said Bowden had a close personal relationship with Maultsby, and that Maultsby referred to Bowden as "his boy" (Bonner 105-106, Tomkins 33, Zucker 14). The conversation ended with Zucker telling Bonner that she (Zucker) had an obligation to report Bonner's concerns, but that she would protect Bonner's identity (Bonner 104, Tomkins 36, Zucker 14).

2. Maultsby texts Bonner: "Miss me?"- April 12, 2019

On April 12, 2019 Maultsby was flying back from a conference in San Francisco. Maultsby and Bonner texted one another during Maultsby's layover in Atlanta. Bonner responded that she was glad he could text because she needed him to answer some work-related questions (Bonner 52). At 9:24 am Maultsby initiated the following text exchange:

Maultsby: *"You miss me already?"*

Bonner: *"No...Lol...It's work related do you know where the signed waivers are for the position that need to be posted?"*

Maultsby: *"Yes you do!!!!"*

Bonner: *"I do what?"*

Maulsby: *"Miss me?"*

Bonner: *"Wafvers?"*

Maulsby: *"Admit it!"*

The texts made Bonner uncomfortable. She thought Maulsby was pressuring her to say she missed him when she was trying to get important work-related information (Bonner 62-63).

Maulsby offered a different context for the April 12, 2019 text exchange. Maulsby testified that he used the term "you" in a plural sense, meaning the office in general, not Bonner in particular. Maulsby said he was just joking with Bonner but that he quickly transitioned back to business (Maulsby 92-94).

The greater weight of the evidence supports the finding that Bonner reasonably interpreted Maulsby's text as another one of his inappropriate attempts to get her to acknowledge that they had a close personal relationship.

3. Bonner meets with Zucker and Bowden – April 12, 2019

On April 12, 2019 Zucker met with Bowden in his office.¹³ Zucker told Bowden that she heard reports that Maulsby was harassing and intimidating an employee. Bowden wanted Zucker to identify the employee who complained about Maulsby and to give him

¹³ There is some dispute over the date the meeting occurred. Zucker thought the meeting occurred on April 9, 2019 (Zucker 14). Bowden said the meeting occurred on April 12 or April 15, 2019 (Bowden 136). The greater weight of the evidence supports a finding that the meeting occurred on April 12, 2019 as testified to by Bonner. Bonner testified that the meeting occurred on the same day that Maulsby sent her the "miss me" text (Bonner 111).

specific details. Zucker was reluctant to identify the complainant or provide details because Bonner did not want to be identified (Zucker 16, Bowden 31-32).

It is undisputed that Zucker left the meeting in Bowden's office to locate Bonner. Zucker encouraged Bonner to come forward and relay her concerns directly to Bowden. Zucker told Bonner she needed to trust Bowden and that Zucker could not help her unless Bonner told him (Bowden) about her experiences with Maulsby (Zucker 16). It is also undisputed that Bonner did not initiate the April 12, 2019 meeting. Zucker approached Bonner to request that she join her in Bowden's office, and Bonner reluctantly agreed (Bonner 107-109). Bowden testified that he was surprised to learn that Bonner was the complaining party (Bowden 33).

Bowden opened the April 12, 2019 meeting by asking Bonner why she had not brought her concerns directly to him. Bonner explained that Maulsby had created a District wide impression that Bowden and Maulsby were close friends. Bonner said Maulsby referred to Bowden as "his boy" (Bonner 109). Bonner explained that there was also a District wide perception that Bowden would support Maulsby's recommendations to terminate employees (Bonner 110-111). Bonner told Bowden that she did not want to tell him all the details of her experiences with Maulsby (Bonner 112).

There is some dispute over exactly what Bonner communicated to Bowden in the April 12, 2019 meeting. No one took notes. Bonner said she told Bowden that Maulsby sent her inappropriate texts. She showed Bowden the "miss me" texts that Maulsby sent earlier that day (Bonner 111-112). Bonner also told Bowden about the conversations she had with Maulsby where he said, "snitches get stitches" and the text that followed. Bonner communicated to Bowden her concern that if Maulsby learned that Bonner

reported him to someone in authority, Maulsby might "activate" the threat (Bonner 113-115). Bonner also told Bowden that Maulsby made the comment about getting "her boy" "to curl her toes" to remedy her knee pain (Bonner 114).

Bonner testified that she also told Bowden in the April 12 meeting that she felt like Maulsby was making her steal time by asking her to block out times on his calendar for fictitious events. Specifically, Maulsby asked Bonner to calendar fake "school tours" for times when he was leaving work early, so it would not count as his personal time (Bonner 115-116). Bonner and Zucker also brought up the issue of Maulsby's installation of a solid office door to replace the windowed door (Bonner 117-118).

Bowden testified that in the April 12, 2019 meeting, Bonner told him that Maulsby blocked her promotion to the route supervisor position. She mentioned Maulsby's office door. Bowden recalled that Bonner said something about not being able to depend on Maulsby's calendar, but Bowden said Bonner did not tell him that Maulsby used a code word or that he asked to calendar fictitious meetings (Bowden 44-45).

Bowden acknowledged that Bonner discussed Maulsby's texts in the April 12, 2019 meeting. However, Bowden got the impression that Bonner did not think Maulsby's texts were offensive; she just considered them to be "immature" and "stupid". Bowden recalled that Bonner showed him the "miss me" text that Maulsby sent her that morning (Bowden 38-39). Bowden did not ask Bonner to show him other texts. He assumed the April 12 text exchange was representative of Maulsby's other texts. Bowden was certain that Bonner did not say anything in the April 12, 2019 meeting about feeling threatened or intimidated. He testified that Bonner was not afraid of Maulsby. She told Bowden she

could handle the situation with Maultsby. Bonner said she did not want to file a complaint (Bowden 41-47).

Zucker testified that her memory of the topics discussed in the April 12, 2019 meeting were "fuzzy" (Zucker 18). Zucker recalled that Bonner told Bowden that Maultsby blocked her promotion. Bonner told Bowden about Maultsby ordering a solid door. Zucker could not remember if Bonner talked about the texts or about feeling harassed or intimidated (Zucker 17- 20). Zucker recalled Bowden asking Bonner what she wanted him to do and Bonner replying, "make it stop" (Zucker 17). Zucker was disappointed Bonner shared only "bits of things" with Bowden in the April 12, 2019 meeting. For instance, Bonner did not tell Bowden about the Christmas video (Zucker 22). After the meeting Zucker asked Bonner why she didn't tell Bowden everything. Bonner replied that she did not want to give away her whole hand (Zucker 17).

The greater weight of the evidence supports the finding that the information that Bonner disclosed to Bowden in the April 12, 2019 meeting was sufficient for a reasonable administrator in Bowden's position to conclude that Bonner was alleging that the GOO had engaged in conduct, which if true, would constitute sexual harassment and hostile work environment. The greater weight of the evidence also supports the finding that Bonner described conduct that should have placed a reasonable administrator on notice that Bonner was concerned that she would suffer retaliation if Maultsby knew that she reported his misconduct.

Bonner, Bowden, and Zucker had different recollections of how the April 12, 2019 meeting ended in terms of next steps. Bonner remembered Bowden stating that he would follow up with Bonner within two weeks (Bonner 115). Bonner left the meeting with the

Impression that Bowden would report her concerns to the Human Resources Department (Bonner 118). She also understood that Bowden was going to tell Maultsby to replace his solid office door. Bonner did not expect Bowden to tell Maultsby about the concerns she raised in the April 12, 2019 meeting. Bonner did not authorize Bowden to share the specifics of her complaints with Maultsby (Bonner 117-118).

Bowden testified that there was a lot of back and forth with Bonner in the April 12, 2019 meeting as to whether Bowden could talk to Maultsby without disclosing her name. Zucker also recalled that Bonner said she was nervous and afraid of what would happen if Bowden told Maultsby about her specific allegations (Zucker 24-25). Bonner said she was a single parent who just bought a house and she was concerned about losing her job (Zucker 23). However, Bowden was certain that Bonner ultimately agreed that Bowden could discuss all of Bonner's stated concerns with Maultsby (Bowden 41-42).

The greater weight of the evidence supports a finding that Bonner did not want or expect Bowden to tell Maultsby that she complained about him or for Bowden to share the specific details of her allegations. A reasonable administrator in Bowden's position should have appreciated the sensitivity of the situation and the serious nature of Bonner's concerns. It was inappropriate for Bowden to tell Maultsby about Bonner's specific allegations complaint without her consent or knowledge before any investigation was undertaken.

4. Maultsby offers Bonner his credit card – April 23, 2019

Bonner testified that on Administrative Assistant's Day, Maultsby tried to give Bonner his credit card so she could buy herself concert tickets. Bonner would not take

the credit card. Maulsby's offer made her uncomfortable (Bonner 119-120). Maulsby had a different recollection of Administrative Assistants Day. Maulsby testified that he bought Bonner a coffee mug with a \$100 bill in it. Maulsby told Bonner to use the cash to buy tickets for an upcoming concert (Maulsby 54-55).

5. Bowden tells Maulsby about Bonner's complaints – April 26, 2019

It is undisputed that Bowden called Maulsby into his office on April 26, 2019 and that he told Maulsby about Bonner's allegations. Bowden testified that he told Maulsby that Bonner complained about his texts. Bowden told Maulsby that Bonner showed him the April 12, 2019 "miss me" text exchange. Bowden told Maulsby that he was "disappointed" in Maulsby's behavior and that the text messaging needed to cease immediately (Bowden 47-50). Bowden told Maulsby that moving forward his relationship with Bonner needed to be strictly professional and that it was up to Maulsby to set appropriate boundaries with his subordinates (Bowden 47). Bowden stated that Maulsby did not seem to understand why the texting was out of bounds (Bowden 48).

In the April 26, 2019 meeting Bowden also told Maulsby that Bonner claimed that Maulsby interfered with her attempts to get the route supervisor position. Maulsby denied the allegation. Maulsby told Bowden that the route supervisor position was filled before he was hired (Bowden 48-49). Bowden also told Maulsby that Bonner told him Maulsby bragged about his friendly relationship with Bowden and claimed Bowden was "his boy" (Bowden 49-50). Maulsby was offended and said that he would never use that term "boy" because he found it racially offensive (Bowden 50).

Maultsby testified that he was "absolutely shocked" when he was called into Bowden's office on April 26, 2019 (Maultsby 38-39). Bowden talked to Maultsby about the texting, in particular the April 12, 2019 "miss me" text. Maultsby tried to explain the context of the text exchange to Bowden. In the end, Maultsby agreed to stop all text communications with Bonner (Maultsby 41-44). Maultsby testified that Bowden did not tell him that Bonner claimed that he asked her to place fictitious events on his calendar (Maultsby 43).

Bowden testified that he thought that he successfully resolved Bonner's concerns by informally meeting with Maultsby on April 26, 2019. Bowden confirmed that Maultsby stopped texting Bonner after the meeting, and Maultsby's office door was replaced (Bowden 53, Zucker 29-30). Maultsby also thought the April 26, 2019 meeting was the end of the issues (Maultsby 45-46).

Bonner was upset when she learned that Bowden did not go to Human Resources after the April 12 meeting but instead went to his "friend" Maultsby to give him the "heads up" on her allegations (Bonner 120-121). Bonner called Lempe to get his advice. She told Lempe that she was concerned that Bowden told Maultsby about her allegations before any investigation was undertaken. Lempe told Bonner that he shared her concern that Bowden disclosed her complaints to Maultsby (Lempe 84-85).

6. Bonner sees events deleted on Maultsby's calendar-April 29, 2019

Bonner testified that to her knowledge, nothing happened after the April 12, 2019 meeting with Bowden and Zucker. On April 29, 2019 Bonner discovered that events on Maultsby's calendar described as "school visits" had been deleted, even the school visits

Maultsby had actually attended (Bonner 122-127). Bonner said she and Maultsby were the only ones who had access to Maultsby's calendar (Bonner 126).

Maultsby testified that he "did not recall" deleting a group of events on his calendar after the April 26, 2019 meeting with Bowden (Maultsby 57). Maultsby said he did not know that Bonner raised concerns about the way he calendared events until the date he was interviewed by SWI (Maultsby 43). Maultsby acknowledged that he and Bonner were the only people who had access to his calendar.

SWI asked the District's IT Department to determine whether events were deleted from Maultsby's calendar during the time period April 25 through April 29, 2019, and, if so, who deleted them. The IT Department told SWI that they could not obtain the information requested. The IT Department informed SWI that they tried to retrieve the information from Archive Manager and Microsoft Exchange tenant. The IT Department also consulted Microsoft support services who confirmed that calendar deletions were not archived.

SWI acknowledges the possibility that Maultsby or someone acting on his behalf deleted calendar items to cover up evidence that his calendar included appointments for false events. However, without having any reliable forensic evidence to support this theory, the evidence is insufficient to allow SWI to make such a factual finding at this time.

7. Bonner tells Zucker that Bowden did not follow up— May 7, 2019

Lempe testified that he received a call from Zucker on April 22, 2019 in which Zucker told him about Bonner's disclosure. Zucker told Lempe she would do anything within her power to help Bonner. They both acknowledged that there were limitations on

what Zucker could do as a School Board member. Zucker told Lempe that she (Zucker) believed Bowden would ultimately do the right thing (Lempe 53-60).

On May 7, 2019, Zucker stopped by Bonner's office to ask her how she was doing (Bonner 128). Bonner told Zucker that she did not think Bowden had done anything as a result of the April 12, 2019 meeting (Bonner 128). Zucker told Bowden she would ensure that Bowden followed up (Bonner 129). Although there is some uncertainty in the timeline, it was probably during that meeting that Bonner actually showed Zucker the Christmas text and video and the "snitches get stitches" text with the hyperlink to the news article on the assassination of the whistleblower in South Africa.

8. Bonner meets with Bowden and Zucker - May 8, 2019

Zucker met with Bowden on May 8, 2019¹⁴ to inform him that the situation with Maulsby and Bonner was worse than they thought (Zucker 30, Bowden 52-53). Zucker asked Bonner to join the meeting so she (Bonner) could tell Bowden directly. It was during that meeting that Bonner learned that Bowden already met with Maulsby on April 26, 2019 and that Bowden told Maulsby about Bonner's specific allegations (Bonner 130-131). Bonner told Bowden that she was more concerned about the threat now that Maulsby knew about her complaints (Bonner 130-131). Bonner testified that she did not share any new information in the May 8, 2019 meeting. Bonner said she had already told Bowden about the threatening "snitches get stitches" text. Bowden asked her if she had witnesses and evidence. Bonner testified that she told Bowden she did not want to provide any more detail. Bonner was concerned about Bowden's friendly relationship

¹⁴ There is some discrepancy in the dates. Bowden thought the second meeting with Zucker and Bowden occurred on May 6, 2019 (Bowden 52) but Bonner was certain that the meeting occurred on May 8, 2019.

with Maultsby if there was going to be an internal investigation (Bonner 132-133). Bonner testified that Bowden said the next step was for Bonner to go to Human Resources

Bowden has a different recollection of the May 8, 2019 meeting. Bowden said he was "shocked" by the "new" information Bonner revealed on May 8, 2019 (Bowden 56). Bowden claims that it wasn't until the May 8, 2019 meeting that he knew anything about the "snitches get stitches" text or that Bonner was concerned about retaliation (Bowden 54). Bowden said he struggled with Bonner's "timeline". Bowden could not understand how a text that Maultsby sent in March could be considered retaliation if Maultsby did not know of Bonner's complaint until April 26, 2019 (Bowden 54-56). Bowden testified that he also struggled with the fact that Bonner was just now telling him about events that occurred prior to their first meeting on April 12, 2019 (Bowden 54).

Bowden testified that it was not until the May 8, 2019 meeting that Bonner told him about Maultsby's Christmas text and video. It was the first time he heard about Maultsby's comment that he would not let a certain attractive female work in his department because he couldn't be expected to control himself around her. (Bowden 56-58). Bowden also testified that May 8, 2019 was the first time he learned that Bonner was upset over a comment Maultsby made about not wanting Bonner's son to go without anything at Christmas because she did not get a raise. Bowden testified he could not understand why Bonner would take offense at what sounded to him to be a generous offer by Maultsby (Bowden 60-61).

Bowden testified that the May 8, 2019 meeting was very frustrating because he felt Bonner was feeding him her story in "bits and pieces". Bowden testified that he would

have reacted differently had Bonner revealed this "new" information in their first meeting (Bowden 56).

It is undisputed on May 8, 2019, Bowden told Bonner that she needed to register her complaint with the Human Resources Department. Bowden offered to accompany Bonner to a meeting in Harayda's office. It is also undisputed that Bonner expressed her concerns about going to Human Resources Department because that department reports to Maulsby. Bowden assured Bonner that Harayda would not conduct any investigation; he would just oversee it. Bowden told Bonner that generally employees would be entitled to Union representation at this type of meeting. However, because Bonner was a confidential employee, she did not have the right to union representation. Bowden told Bonner she was welcome to bring a friend to the meeting in HR (Bowden 59-60).

Bowden testified that by the end of the May 8, 2019 meeting, he sensed that he had established a "comfort level" with Bonner (Bowden 58-60). Bonner disagreed. She continued to have serious reservations about how Bowden had handled her concerns and about how they would be addressed in the future.

It is undisputed that by the time of the May 8, 2019 meeting, if not before, Bowden had actual knowledge that Bonner was alleging that Maulsby sent her inappropriate texts, that he sent her the video of himself early on Christmas morning, that he sent her the text stating "snitches get stitches", and that Bonner had fears that Maulsby would retaliate against her. Under the circumstances, a reasonable administrator should have realized that Bonner's allegations raised serious concerns of sexual harassment, hostile work environment and retaliation.

9. Bonner meets with Harayda In Human Resources – May 10, 2019

Bowden called Harayda on May 9, 2019 to tell him that he was going to bring Bonner to Harayda's office so she could tell him about concerns she had about Maulsby's conduct. Bowden did not share any details with Harayda. It is undisputed that this was the first time that Harayda or anyone else in Human Resources knew that Bonner had expressed concerns about Maulsby's conduct (Harayda 39-40).

Bonner arranged to have her friend, Keisha Gray ("Gray")¹⁶ telephonically attend the meeting with Harayda. Bowden accompanied Bonner to the human resources conference room to meet with Harayda. Bowden made brief introductions, then left the room. Those attending the meeting had different impressions of what occurred.

Bonner testified that she gave Harayda the same summary she gave Bowden. Bonner mentioned "sexual harassment", "hostile work environment", being held back from advancement and "threatening" text messages (Bonner 136-139). Bonner told Harayda that she was uncomfortable with the matter being investigated internally because of the reporting structure and the close personal relationship between Maulsby and Bowden. Bonner testified that Harayda said he understood her concerns and that he would recommend an outside investigation, but that Bowden would ultimately decide whether the investigation would be handled internally or externally. Harayda did not give Bonner copies of any policies but he did tell her that he did not think her complaint of

¹⁶ Gray lives in South Carolina. Gray has a master's degree in HR Development. She has worked as an HR manager and as an HR director (Gray 5).

sexual harassment and hostile work environment fell under the Equity policy (Bonner 138-140).

Bonner said Harayda asked her if she had documents. She told him she had a written dialogue of events and documents she collected for her personal use. Harayda did not ask Bonner for the documents but he did tell her that Bonner would eventually have to provide the documents to an investigator. Bonner left the meeting thinking that the next step would be a phone call from an outside investigator (Bonner 141-142).

Gray's recollection of the May 10, 2019 meeting was similar to Bonner's. According to Gray, Bonner told Harayda the following: that Maulsby made comments about other employees with clear sexual overtones that made Bonner uncomfortable; that Maulsby wouldn't offer opportunities for Bonner to advance; that Maulsby sent Bonner frequent and inappropriate texts including a video of himself early Christmas morning; and that Maulsby sent Bonner a threatening text "snitches get stitches" with a hyperlink after Bonner told Maulsby that she ought to report him. (Gray 21-22).

Gray recalled Harayda suggesting that Bonner go to the police if she felt threatened (Gray 27-28). Harayda also said he understood that Bonner's complaint was less about sexual discrimination and more sexual harassment and hostile working environment. Harayda said he would need to consult with Bowden, but that typically the District assembled an internal team to conduct an investigation. (Gray 22-24). Gray testified that at this point she interjected herself into the conversation by expressing her concerns about an internal investigation of Bonner's complaints. Harayda responded that an external investigation might be a more appropriate option given Maulsby's position

(Gray 24-27). Harayda said he did not need anything in writing from Bonner at this point; he said he would follow up with Bonner after speaking with Bowden (Gray 28-29).

Harayda testified that Bonner seemed hesitant to share details with him in the May 10, 2019 meeting. Bonner told Harayda that first she wanted to understand how the investigative process would work. Harayda recalled discussing several options including an investigation conducted by Bowden as the "department head", an investigation conducted by an investigative committee or possibly even an external investigator (Harayda 48-51). Harayda testified that at the end of the May 10, 2019 meeting he was still uncertain whether Bonner's complaint should be investigated under Policy 2.72 (the Equity policy) or Policy 2.70, the Bullying and Harassment policy. Harayda testified that he told Bonner that the May 10, 2019 meeting was introductory but eventually she would need to provide documents. Bonner told Harayda, she had it all in writing and that she would give him documents after she knew how the District was going to handle the investigation (Harayda 51).

Harayda took handwritten notes of the May 10 meeting. In his notes Harayda listed the following aspects of Bonner's complaint: "hostile work environment, held back from advancement, verbal sexual harassment indirectly/directly, threatening behavior, snitches get stitches whistleblower, reporting things not right, clothes incident at work" (Harayda 44-48). Bonner gave Harayda some context for the "snitches get stitches" text. She told them the text followed a conversation in which she told Maultsby that people should feel free to report things that are wrong (Harayda 45). Harayda recalled Bonner telling him that the "snitches get stitches" text had been sent several months before and that nothing had happened to her since (Harayda 53).

Harayda phoned Bowden after the May 10, 2019 meeting with Bonner. Bowden wanted to know if Bonner had reduced her complaint to writing. Harayda told Bowden that Bonner said she would give him something on May 13, 2019 when he told her how the investigation was going to be handled (Harayda 54).

The greater weight of the evidence supports a finding that a reasonable administrator in Harayda's position would recognize that if the matters reported by Bonner in the May 10, 2019 meeting were true, they could support a finding that Maulsby sexually harassed Bonner, that he created a hostile work environment and that he threatened and retaliated against Bonner.

10. Harayda tells Bonner the investigation will proceed under Policy 2.72 - May 15, 2019

Bowden made the decision that the District would conduct the investigation under Policy 2.72 after consulting with Harayda (Bowden 146). Bowden also decided that he would serve on the investigation committee as the representative of central office administration. Bowden assumed he was the most appropriate representative even though an executive director could have served in that position (Bowden 154-155).

On May 13, 2019, Harayda phoned Bonner to tell her that the District was going to handle her complaint under Policy 2.72. Harayda told Bonner that she would need to meet with a three-member investigative committee that would be formed pursuant to the Discrimination Complaint Procedure. Harayda identified the members of the investigation team: Bowden would serve as the central office administrator and lead investigator. Lashawn Frost ("Frost"), Principal of Booker Middle School would be the school-based

administrator. Carol Lichon, ("Lichon") Director of Purchasing would be the school district administrator (Harayda 58-60, Bonner 146-147). Harayda explained to Bonner that Lichon and Frost were selected because they were not in Maulsby's chain of command. Harayda testified that he thought Bonner was fine with the composition of the committee (Harayda 59). Harayda asked Bonner if she had anything in writing he could pass on to the committee. According to Harayda, Bonner said she would get him something but did not say when (Harayda 54-57).

Bonner testified that she did not promise to give anything in writing to Harayda in their May 13, 2019 phone call. She recalled reminding Harayda that he said he would recommend hiring an external investigator. Bonner also told Harayda that she did not understand why the investigation was proceeding under Policy 2.72 when her complaint was sexual harassment and hostile working environment, not sexual discrimination (Bonner 144).

Bonner's recollection of the May 13, 2019 phone call is credible. Bonner sent Harayda an email after the phone call in which she wrote: "I am not comfortable with an internal investigation because of the reporting structure. The human resources reports directly to the accused and I have also stated the personal relationship the accused has stated to me between he and Mr. Bowden." Bonner stated she understood the lead investigator would be calling her, but she had made her formal complaint on May 10, 2019. Bonner said she did not understand why she needed to return a second time to retell her story. Bonner also complained about the District's delay in responding to her concerns. Bonner reminded Harayda that this was an ongoing matter that she first reported to the District on April 9, 2019.

Harayda replied to Bonner's email by telling her that she was required to make an official report with dates, times, and specific concerns. Harayda said he did not consider the May 10, 2019 meeting as the "formal complaint". Addressing Bonner's concerns about the Internal Investigation, Harayda stated: "I also gave you both scenarios for me assigning the investigation, I did agree on the reporting process for the chain of command, however as I stated on Friday and again today should you have any issues of retaliation or any other concerns during the investigation that you could contact me".

Bonner testified that she experienced a full-blown panic attack on May 15, 2019 because of the stress she was under. Bonner testified that she felt "railroaded". Her worst fears were being realized. She feared she was going to lose her job and her house. And in the meantime, Bonner still had to report to Maulsby as usual (Bonner 148-150). Bonner called in sick on May 16, 2019.

The greater weight of the evidence supports a finding that that on May 9, 2019 and again on May 10, 2019, Bonner informed Harayda that she did not think an internal investigation of her complaints would be objective, fair, appropriate or timely for numerous reasons. She did not think it was objective because the composition of the committee included the chain of command (Human resources reports to Maulsby who reports directly to Bowden) and because of the close personal relationship between the lead investigator (Bowden) and the accused (Maulsby). Bonner did not think it was fair that she was now being asked to put her complaint in writing after she had verbally reported her complaints to District administrators several times. Bonner did not think the investigation should be conducted under Policy 2.72 because she was not making a sexual discrimination complaint. Bonner thought the investigation should be conducted

by an external investigator as Harayda had previously acknowledged. Bonner did not think the District had handled her complaint in an expeditious manner since she had first reported it on April 9, 2019. Despite Bonner's clearly stated objections, the District proceeded with its stated plans for the investigation.

11. Investigation committee is notified – May 16, 2019

On May 16, 2019 Harayda sent an email to Bowden, Frost and Lichon as members of the investigation committee. Bonner was not copied on the email. Harayda informed committee members that the complainant asked to provide written details of the complaint at the committee's initial meeting, at which time she would be prepared to answer the committee's questions. Harayda noted that the policy did not allow for verbal reporting but that he (Harayda) thought the committee could accommodate Bonner's request as long as she understood that she might need to be interviewed again if the committee had questions.

The May 16, 2019 email identified Bonner's initial verbal concerns (as reported to him on May 10, 2019) as follows: "hostile work environment, held back from advancement, sexual verbal harassment indirectly, threatening behavior, whistleblowing concerns, text messages of inappropriate innuendos and asked to touch clothing". The email incorporated excerpts from the Discrimination Complaint Procedure.

Bonner called in sick on May 21, 2019. The investigation committee meeting was scheduled to meet on May 22, 2019. Bowden was concerned that Bonner would not get her written complaint to him by the time of the first investigation committee meeting. Bowden testified that he told Harayda that the investigation committee could not meet

unless there was a written complaint and that Harayda agreed (Bowden 75-76). The May 22, 2019 meeting of the investigation committee was cancelled.

12. Harayda raises issue of physical separation - May 17, 2019

On May 17, 2019, Harayda sent an email to Bowden asking whether they ought to "move the person during the investigation?" Harayda testified that he was thinking about moving Bonner even though she never asked to be relocated (Harayda 64-66). Bowden testified that he called Harayda in response to the email. Bowden told Harayda he thought they should wait for Bonner to provide specific information before making any relocation decisions (Bowden 69). It is undisputed that the District did not take any efforts to separate Bonner and Maultsby until May 24, 2019.

13. Bonner reports concerns for her physical safety– May 17, 2019 - May 19, 2019

Bonner's fears of retaliation or retribution by Maultsby escalated after the District advised her of the investigation plan. Bonner testified that she started thinking back on her conversation with Maultsby and his text referring to "snitches get stitches". On May 17, 2019, at 4:10 pm, Bonner sent an email to Harayda referring to the Maultsby's tweet about the whistleblower being killed. Bonner wrote:

"I was sent a text by the accused (a texted tweet showing the killing of a whistleblower. Which is clearly retaliation. I am concerned about a threat against my life and the life of my kids. Should FDLE Florida Division of Law Enforcement and the FBI be notified?) which appears to threaten my life

along with my children. It displays the threat of a whistleblower being killed. I'm in fear for my life and the safety of my children. I have a 7-year-old child and a college student. I can't think of my children being without their mother. Are you pursuing this under (Sexual Harassment Title 7 claim) or just discrimination? Because I was sexually harassed, working in a hostile working environment and threatened that he has friends over me, who are going to stick together to deny it, and my job would be at risk. Please inform me of your decision. I was also told that the accused has already been informed, before this investigation began. So, has this investigation been compromised? Or is the accused doing the investigation?"

Harayda did not consult with Sprinkle or Bowden before replying to Bonner's email (Sprinkle 46). In his Friday, May 17, 2019 email reply sent at 4:50 pm, Harayda told Bonner he was "confused". Harayda said he thought Bonner was comfortable with the course of the investigation. He also stated: "It was my understanding that the whistleblower messages was from a month or so ago so if something is occurring that is making you feel threatened I would encourage you to contact law enforcement." Harayda concluded the email by stating that he would let the leader of the investigation know about Bonner's concerns.

Harayda testified that he did not believe that Bonner would actually contact law enforcement. He thought she was just venting in her May 17, 2019 email. Harayda did not think the email raised matters of immediate concern because the "snitches get stitches" text was sent more than a month before (Harayda 74-77).

Harayda testified that he called Bowden on the evening of May 17, 2019. Harayda read or summarized Bonner's email and his response to her email. Harayda testified that he effectively conveyed to Bowden that Bonner had expressed concerns about her physical safety and the lives of her children (Harayda 71). Harayda also told Bowden how he responded to Bonner's email. Bowden said he thought Harayda's response was legitimate (Harayda 71).

Bowden's recollection of what Harayda conveyed to him on the evening of May 17, 2019 was different than Harayda's. Bowden testified that Harayda told him he recommended Bonner contact law enforcement, but Harayda never conveyed to him the message that Bonner feared for her life and the life of her children (Bowden 164-166). Bowden testified that his response to Harayda would have been different if he believed Bonner was in fear for her life. Bowden said that if he knew Bonner feared for her safety, he would have involved law enforcement by calling them directly if Bonner did not (Bowden 168-169).

The greater weight of the evidence supports a finding that by at least May 17, 2019 Harayda and Bowden both knew and or should have known that Bonner had a reasonable and present fear for her physical safety and the safety of her family members. Harayda and Bowden should not have been surprised that Bonner filed a report with the SCSO on May 22, 2019 because that was the course of action Harayda recommended that Bonner take if she felt threatened.

14. Bowden meets with Bonner to discuss complaint procedure- May 20, 2019

It is undisputed that Bowden called Bonner to a meeting in his office on May 20, 2019 and that Termine attended the meeting as a witness. Bonner, Bowden and Termine gave conflicting accounts of what occurred.

Bowden testified that he called the meeting so he could get Bonner to understand her reporting responsibilities under Policy 2.72. Bowden acknowledged that he was somewhat sterile and cold in the meeting because he wanted to get Bonner to follow the procedure (Bowden 72). Bowden gave Bonner the Discrimination Complaint form that the District utilizes. Bowden read the section that states that the Administrator should encourage the complaining employee to complete the form. Bowden told Bonner that he was encouraging her to complete the Complaint form and that, if she did not, he (Bowden) would be required to reduce the complaint to writing (Bowden 72 -74). Bowden remembers Bonner raising concerns about the format of the Complaint form which had a box to check for "discrimination" but not for "sexual harassment" or "hostile work environment". Bowden told Bonner he thought Bonner's complaints should be characterized as "harassment" but not "sexual harassment". Bonner disagreed with Bowden. She repeated Maulsby's comment about making her toes curl. Bowden said he had not heard that comment before. He testified that he was frustrated because Bonner continued to give him information in bits and pieces (Bowden 74-75). Bowden told Bonner she could leave early to work on her Complaint form. According to Bowden, Bonner said she would submit the written Complaint form the following morning, May 21, 2019 (Bowden 74-75).¹⁶

¹⁶ Bowden acknowledged that his insistence that Bonner provide a written complaint by May 21, 2019 conflicted with what Harayda told the investigation committee in his May 16, 2019 email. In the May 16, 2019 email, Harayda said he told Bonner that she could just bring her documentation to the first investigation committee meeting rather than filing a written complaint first (Bowden 77-78).

Bonner testified that she told Bowden in the May 20, 2019 meeting that she would cooperate in the investigation but that she had no intention of completing a form that did not fit her complaint (Bonner 165-166). Bonner explained why her allegations did not track the Complaint form. Bonner also told Bowden about a situation that occurred on May 17, 2019 that made her further question the objectivity of the committee. Bonner told Bowden said she was in Maulsby's office when he took a phone call from Frost, one of the members of the investigation team. Frost was complaining about her administrative assistant who she wanted to terminate. Bonner said she did not think Frost could be an objective investigator because she was having open dialogue with Maulsby about an employee in the same position as Bonner. Bonner testified that Bowden responded to her concerns by stating that Bonner did not get to pick the members of the investigation committee (Bonner 168).

The greater weight of the evidence supports a finding that in the May 20, 2019 meeting, Bonner directly informed Bowden that she had ongoing concerns with the investigation process and that she would not complete the Complaint form because she did not think it fit her allegations.

15. Bonner shares her ongoing concerns with Lempe – May 2019

Bonner looked to Lempe for advice and validation of her ongoing concerns about the District's handling of her complaint (Lempe 45). On May 20, 2019 at 6:18 pm, Bonner forwarded to Lempe the email she sent Harayda expressing her concerns over the threat to her life and her children's lives. Lempe testified that he was becoming increasingly concerned about Bonner, "specifically who was representing her, who had her back when

she was at work, who was sitting at the table with her when she was meeting with Todd Bowden and others, and the answer to that question was nobody" (Lempe II 10). Lempe phoned Dubin and Gardner to asked them if they would be willing to talk to Bonner, "not to represent her, but just as a sounding board, somebody who could give her advice from the perspective of those who represent employees" (Lempe II 11). They agreed. Lempe called Bonner. Lempe told Bonner to call Gardner (Lempe II 13). In his second interview, Lempe emphatically stated that he was the impetus for Bonner's meeting with Dubin and Gardner on May 20, 2019 (Lempe II 22).

15. Bonner meets Dubin and Gardner at SC/TA offices – May 20, 2019

Bonner met with Dubin and Gardner at the SC/TA offices on May 20, 2019. Bonner said she used the meeting to "vent"; she did not ask Dubin or Gardner to do anything on her behalf (Bonner II 9-10). Bonner said the only advice Dubin and Gardner gave her was to get an attorney (Bonner II 10). They did not help her draft **Exhibit 1** or **Exhibit 2** (Bonner II 11-12).

Dubin and Gardner's recollection of the May 20, 2019 meeting was consistent with Bonner's (Dubin 12-15, Gardner 14-17). Gardner testified that Bonner talked mostly about her experiences with Maulsby and very little, if any, about how the District was handling her complaints (Gardner 18-19, 27). Gardner could not recall if Bonner discussed going to the SCSO. Gardner testified that she did not contact the Herald Tribune to alert them to the SCSO report. Gardner was sensitive to the fact that Bonner was not looking for media attention (Gardner 27).

The greater weight of the evidence supports a finding that the SC/TA did not help Bonner draft any documents or advise her on her complaints (Gardner 35-36). The only advice that Dubin and Gardner gave Bonner in the May 20, 2019 meeting was to get a lawyer (Dubin 14, Gardner 35). The SC/TA did not provide Bonner with any financial assistance or pay for any of her legal expenses (Dubin 14-15, Gardner 35).

17. Bonner contacts Ziegler – May 21, 2019

Lempe also recommended that Bonner reach out to Ziegler. Bonner called Ziegler and left several voicemails. On May 21, 2019 around 5:15 pm, Ziegler returned Bonner's call. Bonner told Ziegler that Maultsby sent her texts that were unprofessional and inappropriate (Ziegler 15). Bonner used the words "sexual harassment" and "hostile work environment" in describing Maultsby's conduct to Ziegler (Ziegler 16). Bonner told Ziegler that she (Bonner) had lodged a complaint and she was concerned about how it was being handled by the District. Bonner told Ziegler she was concerned about the objectivity of the investigation given the close relationship between Maultsby and Bowden (Ziegler 14-15). Bonner also asked Ziegler if she thought she (Bonner) should go to the SCSO. Ziegler told Bonner that she was not an attorney, but if Bonner felt that there was any kind of threat Ziegler thought she should involve law enforcement (Ziegler 16).

On May 21, 2019 around 8 pm, Ziegler called Hardy to tell him about the phone conversation with Bonner. Ziegler told Hardy that her main concern was that it appeared the District was doing nothing to address Bonner's complaint. Hardy told Ziegler he would follow up with Harayda to ensure policies were being followed (Ziegler 18-20, 22).

18. Hardy calls Harayda – May 22, 2019

Hardy called Ziegler on May 22, 2019 at 8:45 am and told her that he had spoken with the District and they were moving forward with procedures (Ziegler 22). Harayda does not recall getting a phone call from Hardy. Harayda said he was not aware that Bonner called Ziegler the night before. Bowden testified that he did not know that Bonner called a Board member (Bowden 175).

19. Bonner questions Investigative procedures – May 22, 2019 – May 23, 2019

On May 22, 2019, Bonner sent an email to Harayda at 10:13 am in which she told him about the May 17, 2019 phone conversation between Frost and Maultsby which made her further question the objectivity of the investigation committee. Bonner wrote: "When a team is being assembled that may not have the ability to remain fully objective due to personal bias or sympathies towards a particular set of circumstances (i.e. a supervisor who is being challenged by her administrative assistant, investigating a complaint against a supervisor whose workplace practices and behaviors are being called into question by his administrative assistant), I believe I should have the right to voice these concerns".

20. Bowden prepares Memorandum re: Potential Equity Complaint – May 22, 2019

On May 22, 2019, Bowden asked Termine to check with Bonner to see if she had completed the Complaint form. When Termine reported that Bonner had not completed Complaint form, Bowden decided he needed to take immediate action to put

Bonner's concerns in writing per Part B of the Discrimination Complaint Procedure (Bowden 174-176).

On May 22, 2019 Bowden prepared a memorandum to Harayda entitled Potential Equity Complaint ("Memorandum"). Bowden testified that he was not influenced by anyone to prepare the Memorandum (Bowden 160). Bowden testified that he did not know that Bonner had contacted a Board member the night before he prepared the Memorandum (Bowden 160). He said he independently arrived at the decision to prepare the Memorandum because of his growing concern that Bonner's failure to timely complete the discrimination form was hampering his efforts to form an investigation committee to do a proper investigation. Bowden testified that at all times he tried to conduct the investigation "by the book" (Bowden 72-73).

In the Memorandum, Bowden identified the following as concerns that Bonner brought to his attention: Maulsby blocking or denying her a promotion based on him needing her in his current position; Maulsby sending Bonner what she considered to be inappropriate text messages such as Maulsby asking Bonner if she missed him; Maulsby making statements about his ability to make women "curl their toes"; Maulsby intimidating the Director of Leadership Development; Maulsby's offer to buy gifts for Bonner's son; Maulsby's text message ("snitches get stitches") which Bonner believed was an attempt to silence her, and Maulsby's comment about not wanting a female employee to move to their division because she was too attractive and he could not control himself around her.

In the Memorandum, Bowden wrote: "Although Ms. Bonner has not specifically refused to complete the complaint form, her inaction in doing so can be considered a de

facto refusal." Bowden testified that he considered Bonner to have "de facto" refused to submit the Complaint form because it had been almost two weeks since he took Bonner to Human Resources with the understanding that there would be a complaint filed and it had been three days since their May 20, 2019 meeting where she promised to submit the Complaint form on May 21, 2019 (Bowden 82).

Bowden acknowledged that his Memorandum did not include some of the matters that Bonner apparently discussed with Harayda in their May 10, 2019 meeting (Bowden 176). Bowden testified that at the time he prepared the Memorandum on May 22, 2019, he was not aware that Bonner was alleging that Maultsby sexually harassed her, that Maultsby made Bonner touch his clothes, that Maultsby created a hostile work environment, that Maultsby engaged in threatening behavior or that Maultsby asked Bonner to make fictitious entries on his calendar (Bowden 175-176).

Bowden hand delivered the Memorandum to Harayda on May 22, 2019 around noon. At 2:15 pm Harayda sent an email to Bonner attaching the Memorandum. In his email, Harayda told Bonner that both he and Bowden had asked her to put her concerns in writing to file a formal complaint. Harayda stated that the attached Memorandum was Bowden's attempt to reduce Bonner's complaint to writing per District procedures. Harayda stated: "I must ask your wishes to file a formal complaint, can you please let me know your intentions by Friday, May 24, 2019" (Harayda 83-85). Harayda testified that he arbitrarily selected the May 24, 2019 deadline because he wanted to move forward with the investigation (Harayda 84-85).

Bowden's testimony that he did not know that Bonner had alleged sexual harassment, hostile work environment, retaliation and threatening behavior as of May 22,

2019 is not credible. The greater weight of the evidence supports a finding that Bonner provided Bowden with sufficient information in the April 9, 2019 meeting to suggest that she was raising concerns of sexual harassment, hostile work environment and retaliation. Bonner reinforced those same concerns when she personally met with Bowden on May 8, 2019 and May 20, 2019. On May 16, 2019 Harayda sent an email to the investigation team which included Bowden which clearly states that Bonner had raised complaints of sexual harassment, hostile work environment, threatening behavior and whistleblowing.

The greater weight of the evidence also supports a finding that at the time Bowden prepared the Memorandum he knew that Bonner believed that Maulsby's threat had risen to the point that she was now in fear for her life and the safety of her children. The evidence also suggests that at the time he prepared the Memorandum, Bowden knew that Harayda recommended that Bonner contact local law enforcement.

21. Bonner files complaint with the SCSO – May 22, 2019

Bonner contacted the SCSO on May 22, 2019 at 4:32 pm to file a complaint that Maulsby threatened her when he sent the "snitches get stitches" text on March 18, 2019 and attached the link to the New York Times World article about the arrest of a South African politician for the murder of a whistle-blower. Bonner testified that she filed the complaint because she thought Maulsby's threat was serious, and she wanted there to be a record of the threat. Bonner also wanted to pursue criminal charges against Maulsby, if possible (Bonner 160).

22. Bonner discloses she filed report with SCSO – May 23, 2019

On May 23, 2019 at 8:51 am, Bonner sent an email to Harayda informing him that she followed his advice by contacting law enforcement. In the email Bonner wrote:

"I am a little upset that there are no procedures in place to protect employees when threats are made in the context of the workplace. We have procedures in place when students make threats via social media, text or verbal, but it is disheartening to know that there are not similar protections and protocols in place that can be consistently deployed for employees. I recall when Dr. Bowden received an email from someone who ended the email with "see you around" and he perceived the wording as a threat there was specific action that was taken on his behalf by the school board. Law enforcement was involved, and it appeared to be a procedure in place. Unfortunately, it appears that this process is not one that all employees are privy to, as in my case when the employee's superior is the source of the employment threat".

Harayda testified that he told Bowden about Bonner's May 3, 2019 email (Harayda 86). Harayda also discussed Bonner's safety concerns with School Police Chief Enos. Harayda recalled that Enos told him that it would be best if Bonner reported her safety concerns to local law enforcement authorities (Harayda 86-87).

Enos recalled the conversation with Harayda. Harayda told Enos that Bonner felt threatened by one of Maulsby texts and that she had gone or was going to the SCSO to report her concerns. Enos thought it was appropriate for the SCSO to investigate the reported threats. Enos testified that he told Harayda that it would be a conflict of interest for the School Police to investigate a claim against Maulsby because Enos was in

Maultsby's chain of command. Enos also thought the SCSO would be in a better position to investigate because the school police did not have the forensic capabilities to download texts. After the conversation with Harayda, Enos called Captain Walsh, the Criminal Investigations Bureau Commander at the SCSO. Enos told Walsh that a District employee alleged that she was threatened by the COO. Enos told him that the COO was in his chain of command. Enos asked Walsh to take the case. (Enos 25-34).

23. Bonner questions the complaint procedure – May 23, 2019

On May 23, 2019 at 10:57 am, Bonner sent an email to Harayda in response to receiving the Memorandum. Bonner cited to Section V (H) of the Bullying and Harassment Policy 2.70 which states that oral reporting of harassment is considered an official means of reporting an act. In the email Bonner also reiterated that the District Complaint form that she had been asked to complete pursuant to Policy 2.72 did not have boxes to check for hostile work environment harassment and sexual harassment.

Harayda responded to Bonner's email at 3:35 pm. He reminded Bonner that the District was handling her complaint under Policy 2.72. Harayda explained that sexual harassment is discrimination based on gender/sex so Bonner could check that box or she could turn in the Complaint form without checking a box. Harayda also stated: "If you wish to file a complaint under 2.70 Bullying then there is a different procedure that does not fall under my responsibility".

24. SCSO emails Beeker about public records request – May 24, 2019

On May 24, 2019 at 10:41 am, Beeker received a "heads up" email from Kaitlyn Perez ("Perez"), Public Information Officer for the SCSO. Perez forwarded to Beeker the Herald Tribune's May 23, 2019 public records request for the "complaint filed against Jeff Maultsby, the COO of the school district by his assistant". In her email Perez said the SCSO would be releasing their report to the Herald Tribune within the hour. (Beeker 22-25). The email also attached the two-page report that the SCSO prepared following Bonner's May 22, 2019 complaint.

After reading Perez' email, Beeker tried unsuccessfully to find District administrators. Maultsby was the first administrator she located. Beeker showed Maultsby the SCSO report. (Beeker 26-28). Beeker said Maultsby started shaking; he seemed "blindsided" (Beeker 29-30). Beeker and Maultsby eventually found Sprinkle and they were able to reach Bowden by phone. Bowden said he was on his way to the Landings and that he would meet them in Sprinkle's office (Beeker 30-31).

When Bowden arrived in Sprinkle's office around lunchtime, Beeker briefed Bowden on the situation. Bowden asked Maultsby some questions about the text messages referenced in the SCSO report. Maultsby said that he wasn't even sure if he meant for the "snitches get stitches" text to go to Bonner. Maultsby defended himself, stating that the SCSO report concluded there was no criminal wrongdoing (Beeker 33-34). Bowden told Maultsby that he needed to leave while administration decided how to respond to the SCSO report.

25. Administrators meet to discuss next steps – May 24, 2019

Bowden, Beeker, Harayda and Sprinkle met to discuss the next steps. Sprinkle recommended that the District move forward with an external investigation instead of continuing with an Internal Investigations committee (Bowden 89). Bowden agreed. Hardy contacted Vicki Sproat to see if SWI would be able to conduct an investigation into an administrative assistant's allegations of inappropriate conduct by the COO.

During meetings on the afternoon of May 24, 2019, Bowden, Sprinkle and Harayda decided that Maulsby should be separated from Bonner. Sprinkle located a vacant office. Sprinkle informed Maulsby that his office would be relocated to a different building in the Landings (Sprinkle 50-51). Bowden went with Maulsby to gather his personal belongings, and he walked Maulsby to his car (Bowden 88-89).

Bowden testified that he made the decisions to hire an outside investigator and to relocate Maulsby's office. He testified that his decisions were not driven by the fact that the media had been alerted. Rather, for Bowden the real "game changer" in the course of the investigation was the realization that Bonner had actually gone to the SCSO. Bowden testified that he was surprised that Bonner contacted SCSO because Bonner downplayed her concerns about Maulsby in their prior conversations (Bowden 177-180).

When Bowden returned from escorting Maulsby to his car, Bowden met with Sprinkle, Beeker and Harayda. Bowden told Beeker that he (Bowden) had previous meetings with Bonner in which she disclosed concerns about Maulsby's text messages and other inappropriate behavior. Bowden also told Beeker that Harayda had been working with Bonner to convert what was originally a verbal complaint into a written complaint under the District's equity procedures (Beeker 35-37).

Bowden, Sprinkle, Beeker and Harayda also discussed how the District should respond to the fact that the Herald Tribune would likely publish a story about Bonner's allegations. (Beeker 39). Bowden decided that the District should issue a media statement. (Bowden 93-94). Bowden thought it would be better for the District to issue a media statement before the Herald Tribune wrote a story (Beeker 45-46).

During the afternoon, District administration developed "a communication strategy" (Beeker 42). Beeker initially drafted the media statement to announce that "a District employee made an oral complaint about Maultsby, and that per protocol, the Superintendent documented the oral complaint in writing". Later that afternoon Beeker revised the media statement to include a reference to the fact that the same employee made a written report about how the initial oral complaint had been handled by the Superintendent and by the Human Resources Department (Beeker 44).

26. Administrators meet with Bonner – May 24, 2019

After District administrators made the decisions to hire an external investigator, to relocate Maultsby and to issue a media statement, they called Bonner into a third-floor conference room. Bowden, Sprinkle, Harayda and Beeker were seated at the conference table. Beeker told Bonner she was a "popular girl" referring to the fact that there was a public records request for her police report (Bonner 186). Bonner felt ambushed being called into a meeting alone with a "table full of high-ranking personnel" (Bonner 186). Beeker showed Bonner the media statement the District planned to issue in advance of any media reports. In the meeting Bonner said she was not aware that her report to the SCSO was a public record (Bowden 94). Beeker testified that Bonner was upset. Bonner

said she was a private person, and this was not something she intended to go public (Becker 49 -52, Harayda 96-97).

In the same meeting Bonner was informed that the District would be switching to an outside investigation and that Maulsby's office would be relocated while the investigation was ongoing. Bonner was told that they had not worked out how the relocation would affect day to day office operations (Bowden 91-92). Bonner told the administrators that she had not informed her family of the situation. Bowden told Bonner she could leave work early to tell her family what was going on (Harayda 67).

After dismissing Bonner, Bowden and Harayda met separately with the other administrative assistants to inform them that a complaint had been made, that it was going to be handled by an outside investigator and that Maulsby's office was being moved during the investigation. Bowden asked them not to talk about the situation (Bowden 96-97).

27. Bonner delivers discrimination complaint to Harayda – May 24, 2019

After meeting with administrators in the conference room, Bonner handed Harayda her complaint alleging that Bowden and Harayda discriminated against her in their handling of her harassment complaint. (Exhibit 1) Harayda gave the document to Bowden assuming the document Bonner handed him was Bonner's Complaint form alleging that Maulsby sexually harassed her. When Bowden read Exhibit 1, he realized that the complaint was not directed at Maulsby. Rather the Complaint (Exhibit 1) contained Bonner's allegations that Bowden and the Human Resources Department discriminated against her in their handling of her complaint (Bowden 100-101, Harayda 100-103).

After reviewing Policy 2.72 and consulting Hardy, Bowden decided that the School Board needed to decide how the District should handle **Exhibit 1**. Bowden told Beeker about the new complaint (**Exhibit 1**). Beeker then revised the Media Statement to include the following: "A formal written complaint by the same employee about the way in which the initial oral complaint has been processed. Because the complaint is in regard to the actions of the Superintendent and human resources department, the School board will determine a plan for resolution" (Beeker 53-54).

28. SCSO Interviews Bonner and extracts text messages – May 24, 2019

SCSO Detective Ben Lubrano ("Lubrano") phoned Bonner on May 23 or May 24. Lubrano told Bonner that he had been assigned her case and he needed Bonner to return to the SCSO to provide additional information. (Bonner 161-162). Bonner made an appointment to return May 24, 2019.

Bonner cooperated with the SCSO. Bonner surrendered her cell phone to the SCSO to permit them to extract evidence of the text communications. She gave a sworn statement that was videotaped. After reviewing Bonner's 55-minute videotaped interview, SWI finds that the information Bonner provided to the SCSO in her sworn statement was consistent with the information she provided District administration.

29. Media statement is released – May 24, 2019

Bowden placed individual calls to Board members to give them a heads up before the media statement went out. The media statement was released to news outlets at 5:30 pm on May 24, 2019.

30. Bonner's job duties change after May 24, 2019

When District administrators met with Bowden on May 24, 2019, they did not tell her if or how her job duties would change as result of Maultsby's office relocation. Over the weekend, Bonner talked to Tomkins and Sabo. Tomkins told Bonner that she understood that Termine was going to take over as Maultsby's administrative assistant.

On May 28, 2019 at 6:43 am Bonner sent an email to Harayda, Bowden and Sprinkle under the subject: Duty Changes. In the email Bonner requested information on any modifications in her position as a result of Maultsby's office being relocated.

"Will I continue to report to the COO? Have my duties changes, and if so what are they now? Do I still handle calls as the Administrative Assistant to the COO, and if not what? If changes have been made why were they not communicated with me during our meeting on Friday, but instead communicated with colleagues before being reviewed by me?"

Bowden responded to Bonner's email concerning duty changes at 9:09 am on May 28, 2019 in an email on which he copied Maultsby, Kingsley and Termine. Bowden stated that they were still formulating plans on how to operate during the interim period, that Maultsby has been instructed to work through Termine for clerical support, and that Bonner might be able to assist Kingsley on some projects. Bowden also acknowledged that he honored Maultsby's request to discontinue Bonner's access to his email and calendar (Bonner 191-193).¹⁷

¹⁷ Bowden testified that Maultsby called him on May 24, 2019 to ask that Bonner's access to his calendar be removed and that his administrative tasks be reassigned to Termine (Bowden 98-99).

Bonner was upset that she had been stripped of her job duties. She testified: "I felt like I was being punished for reporting and kind of isolated from the equation, whereas, [Maultsby] was still doing [his] normal duties..." (Bonner 193). Bonner did not know to whom she was supposed to report (Bonner 193-194). Bonner did not have enough work to do. She testified that she felt like one of those people who wears a sign "will work for food" (Bonner 193).

Bonner shared her ongoing concerns with her friends and confidantes. Bonner told Ebaugh that she was frustrated that no one in District administration talked to her directly about her new role (Ebaugh 70-71). Bonner told Sabo that she would rather stay home and not get paid than come to work and do nothing (Sabo 43). Sabo confirmed that Bonner did not have enough work to keep her busy (Sabo 43).

Bowden thought he acted appropriately in transferring Bonner's duties to Termine. He testified that he was hesitant to reassign Bonner to someone else. Bowden noted that Bonner's pay was not affected. Bowden testified that he did not think Bonner not having enough work could be considered a punishment (Bowden 189).

Bonner was also concerned that she would still run into Maultsby after his office was relocated because Maultsby came to the third floor for meetings. (Bonner 194-195). Maultsby was also worried about running into Bonner. Maultsby often asked Durias or Enos to accompany him when he went to the third floor. On one of those trips, Maultsby told Enos that he was disappointed that Bonner who was a friend and a confidential employee would make a complaint against him (Enos 41).

On June 4, 2019 Bonner left a voicemail for Ziegler. In the voicemail, Bonner said now that the School Board was handling her complaint, she wanted Ziegler to be aware

of her ongoing concerns. Bonner told Ziegler that she had been "stripped" of her regular responsibilities and that she no longer had specific job duties. Bonner told Ziegler the relocation was impacting her more than Maulsby even though she was the victim. Bonner did not understand what made her situation different from any other administrator, teacher or principal. Ziegler returned Bonner's call. Ziegler told Bonner that she recognized her concerns and appreciated her bringing forth additional information. Ziegler told Hardy about Bonner's call (Ziegler 23-25).

It is undisputed that the only step the District took to address Bonner's safety concerns during the time frame May 24, 2019 through June 18, 2019 was to move Maulsby's physical office to another building. Enos testified that the School Police Department was not asked to take any steps to ensure the parties were separated and were safe. No one conveyed any sense of urgency to him (Enos 38-40). Bowden testified that he did not know that Bonner continued to have concerns for her physical safety after Maulsby's office was relocated on May 24, 2019 (Bowden 190).

The greater weight of the evidence supports a finding that Bonner's duties as administrative assistant changed after Maulsby's office was relocated. Although Bonner's pay was not affected, her responsibilities were diminished. Bonner made Bowden and other District administrators aware that she did not like that her job changed; she felt she was the one being isolated while Maulsby continued to perform his job as usual; and she was afraid because Maulsby still had unfettered access to the third floor where her office was located.

31. SCSO concludes its criminal investigation – May 28, 2019

On May 28, 2019 the SCSO informed Bonner that they were closing their file after reviewing the evidence. SCSO concluded that the threat Bonner reported was non-criminal in nature. The SCSO also contacted Enos to advise him of the findings (Enos 38).

According to the SCSO Report finalized on May 28, 2019, the information in the supplemental report was forwarded to the School Police Department "for their own review since this appeared to have occurred on their own campuses and concerns Sarasota County School Board personnel". The School Police Department did not take any further action after receiving the call from the SCSO. Enos said that the School Police Department did not receive either of the SCSO reports (Enos 26, 35).

32. School Board approves SWI's engagement – June 4, 2019

Hardy announced that the District received two complaints made by an employee under the District's Equity policies at the June 4, 2019 School Board meeting. The School Board authorized the District to retain SWI to investigate both complaints. (Exhibit 1 and Exhibit 2).

33. District receives copies of Maultsby's texts – June 10, 2019

On June 7, 2019, Perez sent an email to Beeker informing her that the SCSO's investigation was closed and attaching a copy of the SCSO supplemental report. On June 10, 2019, Beeker went to the SCSO to pick up a CD of the text messages that the SCSO extracted from Bonner's phone on May 24, 2019. At Bowden's request, Beeker reviewed

the 631 text messages (Becker 81-85). The greater weight of the evidence supports the finding that District administrators never asked Bonner to see the texts.

34. Bowden and Becker review texts with Maulsby-- June 13, 2019

Becker and Bowden met with Maulsby on June 13, 2019 to review the texts as they were preserved on Maulsby's personal phone. Becker testified that the review was undertaken to ensure that Maulsby had preserved the texts. They also wanted to see the emojis, GIFs and photos since they were not displayed on the CD provided by the SCSO. Bowden, Becker and Maulsby reviewed all of the texts.

Bowden testified that in his review of the texts, he (Bowden) did not find anything that led him to believe that Maulsby was engaging in behavior that could reasonably be perceived by Bonner as sexual harassment or the creation of a hostile work environment (Bowden 109-110). Bowden thought Maulsby and Bonner were both inappropriate in their messages; however, Bowden acknowledged Maulsby should have been the one to set the parameters in their communications and relationship (Bowden 112-113).

Bowden addressed Maulsby in the June 13, 2019 meeting. Bowden focused on the fact that many of the text messages were sent outside of business hours, late at night, from Maulsby's personal phone (Becker 86, Bowden 114-115). Bowden asked Maulsby about the March 18, 2019 "snitches get stitches" text. Maulsby told Bowden he did not understand how Bonner could find the text to be intimidating or threatening. Maulsby said his text was intended to be a commentary that people in the African American community usually don't work through law enforcement (Bowden 111-113).

Bowden and Beeker testified that Maultsby did not seem to understand or at least acknowledge that many of his texts were inappropriate (Beeker 86-90, Bowden 108-110).). Maultsby did not seem to understand the gravity of the situation. In the meeting Maultsby emphasized that the SC&SO found he did nothing wrong (Beeker 88-89).

35. District receives Bonner's EEOC Charge - June 17, 2019

Bonner filed her EEOC Charge (Exhibit 2) on June 10, 2019. Bonner testified that although she did not author the narrative in **Exhibit 2**¹⁸, the Charge correctly reflects her claim that Maultsby sexually harassed her and retaliated against her. Bonner testified that she previously told Bowden and Harayda about all the incidents discussed in the Charge except for Maultsby's comment that he would not f*** the director (Bonner 198-199). District administration did not receive the EEOC Charge until Monday, June 17, 2019 (Harayda 107-108).

36. Administrators meet to discuss next steps – June 17, 2019

On Monday June 17, 2019, Bowden met with Sprinkle to discuss how the District should move forward after receiving the EEOC complaint. Bowden told Sprinkle he did not think Maultsby could be effective because of the allegations and the investigation (Sprinkle 57). Bowden testified that he made the decision to place Maultsby on a leave of absence after seeing for the first time an allegation in the EEOC Charge that Maultsby used graphic sexual language and after reading the text messages in their entirety again over the three-day weekend (Bowden 190-191).

¹⁸ The narrative in the Charge was prepared by the EEOC representative after interviewing Bonner.

Bowden identified the specific allegations in the EEOC charge that were new to him. First Bowden testified that he was not previously aware that Maultsby had allegedly vowed to get rid of an employee and had commented he would not f*** her. Second, Bowden was not aware of the allegation that Maultsby told Bonner that he was "a beast in bed" and would have a particular employee's "ass climbing the wall". Third, Bowden did not know that Maultsby made a comment directly to Bonner that her boy could "curl her toes". Bowden testified that if he had known of these three items on April 16, 2019, he would have immediately placed Maultsby on a leave of absence (Bowden 116-118).

On June 17, 2019 Sprinkle asked Harayda to prepare a letter for Bowden's signature placing Maultsby on an administrative leave of absence (111). Harayda prepared the letter. The letter is dated June 18, 2019.

On the afternoon of June 17, 2019, Bowden had a meeting with Beeker in which he informed her that he was going to place Maultsby on leave. They discussed the District's communication strategy and the preparation of another media statement (Beeker 92-94). Beeker began preparing the media statement and "talking points" for Bowden to use in addressing the School Board in the June 18, 2019 meeting. Beeker wanted to ensure that Bowden's talking points were consistent with the media statement she planned to release following the School Board meeting (Beeker 95). Beeker did not share the draft or finalized version of the media statement with Bonner (Beeker 103-104).

37. Bowden places Maultsby on administrative leave – June 18, 2019

Bowden called Maultsby on the morning of June 18, 2019 to tell him he (Maultsby) would not be presenting at the School Board meeting that evening because the District

received Bonner's EEOC Charge which accused Maulsby of using graphic sexual language (Bowden 121- 122). Bowden told Maulsby to go home. Later that afternoon Sprinkle and Bowden phoned Maulsby to tell him that he was officially on a paid leave of absence pending the conclusion of the investigation. (Bowden 122, Maulsby 115-116). Sprinkle testified that Maulsby seemed alarmed and upset, but said he understood (Sprinkle 59).

38. Bowden briefs Board; media statement is released-- June 18, 2019

As part of the Superintendent's Remarks, Bowden provided an update to the School Board on the investigation using the talking points that Becker prepared for him. In the June 18, 2019 School Board meeting, Bowden stated:

"Before I conclude the Superintendent's remarks, I do want to spend a couple moments and address the recent complaint that has been made by an employee made against Jeff Maulsby, the School District's Chief Operating Officer. I want you to know that I first learned of the initial allegations in a meeting with the complainant in mid-April. And action was taken immediately to resolve the concerns that had been communicated. Follow up meetings were also held thereafter to ensure that the issues were being addressed. In early May, another meeting was held in which additional allegations were made by the same complainant. In addition to these new allegations a written complaint was formally made about me and a member of our HR team regarding the handling of the situation. It became immediately apparent that an outside investigation was needed to manage

the growing concerns and allegations put forth. Also new documentation regarding these concerns were brought to the school district by a report filed with the Sheriff's Office. And yesterday we received word that an EEOC complaint had also been filed.

In totality, the allegations today are much different than they were back in April. Yesterday, I also learned from the outside investigator that it will be weeks before a report about these concerns will be available. Because of the severity of these new allegations and the extended timeline to conduct the investigation, I made the decision this morning to place Jeff Maultsby on administrative leave effective immediately. He had already been removed from his workspace and now will no longer work among staff until this investigation is concluded. Please note that due to the allegations made there are several statutes in play that prevent the school district from commenting further about the investigation. We appreciate your understanding that the School District needs continued confidentiality in this matter."

At the June 18, 2019 School Board meeting Bowden also announced that he appointed Dumas as the Acting Chief Operating Officer. On June 18, 2019 at 4:07 pm. The District released the media statement: *Sarasota County Schools Chief Operating Officer placed on administrative leave*

Bonner watched the video of the June 18, 2019 School Board meeting. Bonner thought Bowden's report to the School Board was misleading. Bonner thought it was disingenuous for Bowden to suggest that he decided to place Maultsby on a leave of

absence based on recently acquired information. Bonner testified that Bowden knew all the critical information long before he took action (Bonner 201-202).

The greater weight of the evidence suggests that Bowden knew or should have known that his remarks about the investigation (as quoted above) were not completely accurate and could be misleading. Specifically, Bowden knew or should have known that the District had not taken immediate steps to effectively address Maulsby's alleged conduct after it was reported in April. The greater weight of the evidence supports the finding that Bonner placed the District on notice of most of her specific complaints long before the decision was made to place Maulsby on leave.

39. Bonner, Gardner, and Dubin are seen having lunch – August 15, 2019

Gardner continued to have some telephonic and text contact with Bonner after the May 20, 2019 meeting at the SC/TA office. Gardner said she was just checking on Bonner's wellbeing. On August 14, 2019, Gardner sent Bonner a text asking her if everything was okay. Bonner replied to Gardner's text: "This investigation is getting to me. I have been a little overwhelmed by things, but hey?" Gardner tried to reassure Bonner. Gardner told Bonner the investigation would be over soon. Gardner invited Bonner to have lunch with her and Dubin on August 15, 2019. Bonner responded; "Thanks. I was ready to give up and just screw this. Sounds good" (Gardner 30-32).

Bonner met Gardner and Dubin for lunch at Demetrios restaurant at 12:30 pm on August 15, 2019. They did not discuss any sensitive labor relations topics. The conversation was mostly social (Gardner 32-34, Dubin 16-17). While they were having

lunch, two District employees, Corcoran and Haze Sari, were seated at a nearby table¹⁹. The two tables waved or exchanged greetings (Gardner 33-34, Corcoran 14-16; Bonner 13). Although they were seated close together, neither table could overhear the other's conversation (Corcoran 15).

After lunch at Demetrios, Corcoran attended an Assistant Superintendent meeting. At the end of the meeting, Corcoran mentioned that she saw Bonner having lunch with Gardner and Dubin. It seemed odd to Corcoran that Bonner, a confidential employee, would be having lunch with Union leadership while the District was in the middle of negotiations (Corcoran 17-18). The next day, August 16, 2019, Bowden told Corcoran that he was going to ask that the scope of the investigation be expanded to determine what role the Union played in Bonner's complaints. (Corcoran 18-21).

40. Bowden asks SWI to inquire into Union's role– August 16, 2019

On August 16, 2019, Bowden emailed a letter to SWI on which he copied Hardy and the School Board. (Exhibit 3). In the letter, Bowden said that Bonner had been seen having lunch with Gardner and Dubin on August 15, 2019. Bowden referenced the Collective Bargaining Agreement and commented that a meeting between a confidential employee and the Union President and Executive Director seemed "highly unusual and worth review". Bowden asked that the investigation be expanded to include an inquiry into the role of the SC/TA in the accusations that were made against him and the District and the way Bonner chose to share her concerns about Maultsby with him (Bowden). Bowden identified specific topics he thought should be addressed in the expanded investigation.

¹⁹ M[rs] Corcoran is Assistant Superintendent/ Chief Financial Officer. She reports directly to Bowden. Haze Sari is the Payroll Supervisor for the District.

41. Bonner raises new allegations in response to Bowden's request - August 17, 2019 - August 20, 2019

On August 17, 2019, Bonner's counsel, Sara Blackwell ("Blackwell") emailed a letter to SWI and the School Board (Exhibit 4) informing them that Bonner was "adding a claim of retaliation and hostile work environment" against the Sarasota County School System, Bowden and others acting on Bowden's behalf. Blackwell stated that Bowden's August 16, 2019 correspondence (Exhibit 3) seemed to suggest a conspiracy between Bonner and the SC/TA. Blackwell stated that Bowden's letter requesting a probe into the relationship Bonner and the SC/TA had a "chilling effect" on Bonner because people associated with the District will now avoid having contact with Bonner for fear that they will also be retaliated against. The letter also stated that Bonner planned to file a new claim with the EEOC alleging retaliation and hostile work environment against Bowden and the District.

On August 20, 2019 Bonner filed a new charge with the EEOC claiming hostile work environment and retaliation. The allegations in Bonner's EEOC charge are consistent with the claims Blackwell raised in the August 17, 2019 letter.

42. School Board approves expanding the investigation-- August 20, 2019

At the August 20, 2019 School Board meeting, Hardy asked the School Board for direction on Bowden and Bonner's calls to expand the scope of the investigation. The School Board voted to broaden SWI's engagement to include an investigation into Bowden's concerns that SC/TA influenced or interfered with the investigation (Exhibit 3)

and into Bonner's new allegations of hostile work environment and retaliation by Bowden and the District (Exhibit 4).

43. Bonner submits Employee and Applicant Discrimination Complaint – August 26, 2019

On August 26, 2019, Blackwell sent a letter to Harayda and Hardy expounding on the claim that Bonner was subjected to additional hostility and retaliation as a result of Bowden's request that SWI probe into Bonner's communications with the SC/TA. In the August 26, 2019 letter, Blackwell also made a "wholly separate and new retaliation and hostile work environment claim" based on the comments Bowden and several School Board members made during and/or after the August 20, 2019 School Board meeting. These new allegations have been determined to be outside the scope of SWI's engagement. Therefore, this report does not include any findings or conclusions as to comments made at the August 20, 2019 meeting or to events that occurred after the meeting.

VI. Investigatory Conclusions.

After considering the evidence and making findings of fact, SWI reached conclusions using a "preponderance of the evidence" standard. These conclusions are broken down to address the specific conduct of individual employees as they relate to SWI's overall findings and the District's actions. It should be noted that there is no individual liability under Title VII or the Florida Civil Rights Act. When an employee

engages in discriminatory conduct while acting on an employer's behalf, liability is imputed to the employer.

A. There is sufficient evidence to conclude that Jeff Maultsby sexually harassed Cheralna Bonner and that he created a hostile work environment

The evidence and the findings, especially when viewed collectively, support the conclusion that Maultsby used sexually abusive and vulgar language and engaged in verbal, visual, and physical conduct toward Bonner that unreasonably interfered with her work performance and which also created an intimidating, hostile, and offensive work environment. SWI finds that a reasonable person in Bonner's position (administrative assistant) would find Maultsby's conduct to be hostile and abusive particularly given his position as her boss and the District's COO. SWI finds that Maultsby engaged in sexual harassment, and he created a hostile work environment in violation of Policy 2.70 and Policy 2.72. Maultsby also violated the Principles of Professional Conduct for Support Staff by failing to represent the District in a positive and professional manner.

B. There is sufficient evidence to conclude that Jeff Maultsby threatened to retaliate against Cheralna Bonner for reporting her concerns.

Maultsby first used the phrase "snitches get stitches" after Bonner commented that she was going to start reporting him. Maultsby followed up with his "snitches get stitches" text on March 18, 2019 which attached a link to a disturbing news article about the murder of a whistleblower in South Africa. It was reasonable for Bonner to interpret Maultsby's verbal and text communications to mean there could be physical consequences if she

reported him. It was reasonable for Bonner to become more concerned about her safety after learning that Maultsby knew she complained to Bowden.

Maultsby violated Policy 2.70 in his verbal and text "snitches get stitches" communications with Bonner. Policy 2.70 prohibits employees from threatening or bullying other employees. Bullying is broadly defined under Policy 2.70 to include "unwanted and repeated written, verbal or physical behavior including any threatening, insensitive or dehumanizing behavior... that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment or cause emotional or physical harm to a ... school employee". "Bullying" includes conduct that is threatening or intimidating.

Maultsby, Bowden, and Harayda were wrong to discount the seriousness of Maultsby's March 18, 2019 text. The fact that Bonner had not yet reported Maultsby's misconduct misses the point. What is important is that a reasonable employee in Bonner's position could reasonably interpret the article and her boss' written and spoken words as a threat that she might be physically harmed in the future if and when she reported Maultsby's misconduct. Bonner reasonably believed that the threat of retaliation was activated when Maultsby learned that Bonner actually made complaints about him.

G. There is sufficient evidence to conclude that Dr. Todd Bowden's actions played a primary role in the District's failure to promptly and adequately address Bonner's claims of sexual harassment, hostile work environment, retaliation, and threatening behavior.

Bowden not only had a duty to personally refrain from engaging in discrimination and sexual harassment, he also had a duty under Code of Professional Conduct for the Education Profession in Florida to ensure that employees such as Bonner are protected from sexual harassment. Bowden knew or should have known that the District had a duty under federal and state law to investigate employee complaints of sexual harassment and to take prompt and effective corrective action.

SWI concludes that Bowden did not take prompt or appropriate steps to investigate Bonner's complaints. On April 12, 2019, Zucker told Bowden that there was a reported complaint against Maulsby that needed his immediate attention²⁰. Bowden was the first administrator to have actual notice that Bonner had serious concerns about the COO's conduct. On April 12, 2019, Bowden promised Bonner and Zucker that he would act on the information and get back to Bonner within two weeks. However, the only action Bowden took within that two-week period was to have a meeting with Maulsby in which he shared the identity of Maulsby's accuser (Bonner) as well as her specific allegations (which Bonner had specifically asked him not to disclose). Bowden did not notify or consult with the Human Resources Department. It took a second meeting initiated by Zucker on May 8, 2019 before Bowden decided to turn the matter over to Human Resources to manage. On May 10, 2019, Bowden left Bonner in Human Resources to repeat her story to Harayda. Bowden did not fully brief Harayda on his April 12 and May 8 meetings with Bonner.

²⁰ Bonner first disclosed her concerns to Zucker. As a School Board member, Zucker had limited authority to take action. Zucker acted appropriately under the circumstances. Zucker took Bonner's concerns seriously. She encouraged Bonner to report her concerns directly to the superintendent. Zucker also took it upon herself to inform the Superintendent that an unidentified employee had concerns about the COO when Bonner declined to approach Bowden directly. Zucker continued to follow up with Bowden and Bonner to ensure that Bonner's concerns were being addressed.

It was Bowden who decided that Bonner's complaints would be investigated by an internal investigation committee under Policy 2.72, not by an outside investigator. Bowden appointed himself as the leader of the investigation committee. Bowden should have recognized that he should not serve on the investigation committee and certainly should not act as its leader. Bowden had not undergone the training to serve on an investigation committee. He was not independent or perceived by other District employees to be independent. Bowden and Maulsby were friends and were believed to have each other's backs. Bowden was not objective or perceived by other District employees to be objective. Bowden was a potential witness to the investigation because he had already discussed the matters under investigation directly with Bonner and Maulsby. Additionally, Bowden is a critical witness in pending litigation involving allegations that he sexually harassed and retaliated against a District employee.

Bowden also failed to take prompt and effective action to protect the parties to the investigation, to preserve evidence, and to prevent retaliation during the course of the investigation. It is undisputed that Bowden knew about the "snitches get stitches" text as early as May 9, 2019. He knew that Bonner was concerned about retaliation. By May 17, 2019, Bowden knew or should have known that Bonner had expressed a present fear for her physical safety and the safety of her family. However, it took until May 24, 2019 for Bowden to take any steps to separate Bonner and Maulsby.

Bowden's plan to restructure office operations after Maulsby's relocation left Bonner with very little work to do and no one to report to. Bonner rightfully felt like she had been stripped of her duties while Maulsby continued to perform his job as usual. Bonner also continued to fear for her safety because Maulsby had unfettered access to

the third floor where she worked. Bowden's Interim operational plan exposed the District to allegations that it took adverse actions against Bonner in retaliation for her complaining about sexual harassment, discrimination and retaliation. It was not until June 18, 2019 that Bowden finally made the decision to remove Maulsby from the workplace by placing him on a leave of absence.

D. There is sufficient evidence to conclude that Alfred Harayda's actions played a secondary role in the District's failure to promptly and adequately address Cheraina Bonner's claims of sexual harassment, hostile work environment, retaliation, and threatening behavior.

Before addressing deficiencies in Harayda's handling of Bonner's complaint, it is important to note that Harayda played a relatively minor role in the District's response to Bonner's complaints against Maulsby. It is undisputed that Harayda did not know about Bonner's concerns before Bowden brought Bonner to the Human Resources office on May 10, 2019. Even then, Harayda did not know the background of Bonner's complaint because Bowden did not share the full history with him. It is also undisputed that it was Bowden, not Harayda, who called "the shots" as far as determining whether the investigation would be handled internally or externally. It was also Bowden who determined whether the complaint would be investigated under Policy 2.70 or 2.72, who would serve on the investigation committee, and whether Bonner was required to submit a written discrimination claim form before being interviewed by the investigation committee. Bowden, not Harayda, was ultimately responsible for deciding whether interim

measures would be taken during the investigation and the specifics of Bonner's job assignment after Maultsby was placed on leave.

Nonetheless, SWI recognizes the importance of Harayda's role. As the Employee Relations Administrator, Harayda should have a good working knowledge of the law, rules, policies, and procedures that govern employee conduct. He is expected to be a subject matter expert on the interpretation and implementation of District personnel policies. He is charged with monitoring and overseeing all investigations for the District.

Harayda was the administrator designated to address Bonner's ongoing concerns after May 10, 2019. Unfortunately, Harayda's communications with Bonner are not a model of clarity. It is easy to understand why Bonner would be alarmed by Harayda's May 13, 2019 phone call announcing that the investigation of her complaint would proceed under Policy 2.72 with Bowden serving as the lead investigator of the Internal Investigation committee. Bonner was confused because only days before (in the May 10, 2019 meeting), she (Bonner) and Gray explained to Harayda the many reasons why Bonner was not comfortable with an internal investigation. Bonner and Gray testified that Harayda acknowledged Bonner's concerns on May 10, 2019 and said he would recommend an independent, external investigation. In an email sent to Bonner on May 17, 2019, Harayda disavowed knowing that Bonner had concerns about the investigation process: "You told me you were comfortable with the investigation."

Harayda also gave Bonner contradictory information on whether, when and what Bonner needed to do to present her complaints. Bonner left the meeting on May 10, 2019 with the understanding that she had given Harayda enough information for him to proceed with the investigation, and that she did not need to present anything in writing until later.

Harayda confirmed this understanding in an email he sent to the investigation team. Then Harayda changed the rules without explanation. On May 15, 2019, Harayda emailed Bonner stating he needed an official report from her with dates, times and specific concerns. On May 20, 2019, Bowden, now the self-appointed lead investigator, called Bonner into his office insisting that Bonner make a written complaint on the District's Discrimination complaint form, even though Bonner said she did not think the form fit her allegations. In an email on May 22, 2019, Harayda told Bonner that both he (Harayda) and Bowden told her she needed to file a formal complaint per District procedure. Harayda admitted that he imposed an arbitrary deadline of May 24, 2019 for Bonner submit the District complaint form.

SWI was most disturbed by Harayda's response to Bonner's clearly expressed concerns about her physical safety. In the May 10, 2019 meeting, Bonner told Harayda about Maulsby's "snitches get stitches" text. Bonner told Harayda that she had whistleblower concerns and felt physically threatened. In her email to Harayda on May 17, 2019, Bonner was even more explicit when she wrote that Maulsby's whistleblower threat put her in fear for her own life and the safety of her children. Harayda's email response was very dismissive. Harayda wrote that it was his understanding that the whistleblower message was from a month or so ago and if she still felt threatened, she should take her concerns to law enforcement. In his interview, Harayda explained he thought Bonner was just venting, so he did not inquire further or initiate actions to address her concerns. In an email Bonner sent to Harayda on May 23, 2019, Bonner repeated her concern that there were no procedures in place to protect employees when threats are made in the context of the workplace.

Harayda knew or should have known that the District needed to take prompt action in response to Bonner's expressed concerns about her physical safety in the workplace other than recommend that Bonner call law enforcement if she continued to feel threatened. Harayda provides training to administrators who have been appointed to serve on investigation committees. One of the slides in the power point presentation he uses at training explains: "First question to ask: > Is there a threat to students or staff? > If yes, contact HR immediately > Discuss placing the employee on administrative leave with pay or temporary assignment".

Harayda testified that he does not handle complaints under Policy 2.70. Nevertheless, Harayda should at least be aware that Policy 2.70 prohibits employees from threatening other employees regardless of whether the threats relate to the employee's inclusion in a protected group. Some of the comments in Harayda's emails were dismissive of Bonner's sincere concerns and bordered on being disrespectful.

SWI concludes that Harayda made some mistakes, but also acknowledges that Harayda was in the difficult position of trying to follow the instructions of the Superintendent, oversee an investigation directed at an employee who was above him in the chain of command, and also ensure that the complaining employee was afforded all the rights to which she was entitled under District policy and the law.

E. There is insufficient evidence to conclude that the District discriminated against Cheraina Bonner based on her race, color and gender.

In her May 24, 2019 Discrimination complaint (Exhibit 1), Bonner alleges the District discriminated against her in its handling of her complaint against Maulsby on the basis of her gender (female) and her race (African American). Bonner claims that District administrators (primarily Bowden and Harayda) did not equitably support her efforts to report the COO's sexual harassment, creation of a hostile work environment and threatening, retaliatory behavior in the following respects. It took over a month after Bonner reported her concerns to the superintendent for anyone to respond. District administration took no steps or inadequate steps to protect her after they informed Maulsby of her complaint. District administrators took no significant action to protect Bonner after she reported a threat to her life. District administrators tried to force Bonner to present her complaint against Maulsby in writing on a form that she did think fit her allegations. District administration required Bonner to present her claim within strict guidelines that were not mandated by School Board policies.

The greater weight of the evidence supports Bonner's identification and description of deficiencies in the District's handling of her sexual harassment and retaliation complaint. What is missing is the required nexus between those deficiencies and Bonner's race and gender. For Bonner to establish that the District discriminated against her in its handling of her complaint there needs to be evidence that Bonner was treated differently from other similarly situated employees in the terms, conditions and privileges of employment.

SWI asked Bonner to provide examples of how employees who were not women or who were not black were treated differently than she was. Bonner described how the District responded when Bowden, a white male, felt threatened by a letter he received

from an angry parent that said, "see you around". The District responded immediately by dispatching the School Police Department to provide him with personal security detail (Bonner 180). Bonner also cited as comparative evidence the fact that the District hired independent external attorneys to investigate the sexual harassment and retaliation claims against Bowden made by white females.

Bonner's proffered examples of comparative evidence are not sufficiently similar to support a finding that Bonner's race or her gender played a significant role in the way the District responded to Bonner's claims of sexual harassment, hostile work environment and retaliation.

F. There is insufficient evidence to conclude that the SC/TA played an improper role in the matters under investigation.

The greater weight of the evidence supports the finding that May 20, 2019 was the first time that officers and directors of the SC/TA met with Bonner. The meeting was arranged by Lempe after he left the District's employment. Lempe was acting as Bonner's friend and confidante. Lempe testified that he facilitated the meeting because he was becoming increasingly concerned that Bonner's complaints were not being addressed and that no one at the District had her back. Lempe asked Dubin and Gardner if they would be willing to act as a sounding Board for Bonner. He did not ask SC/TA to represent Bonner.

SWI was not presented with any evidence that would contradict Bonner, Gardner, and Dubin's consistent testimony that SC/TA did not assist Bonner in the formulation and presentation of her complaints against Bowden. The SC/TA did not give Bonner advice

other than to get a lawyer. The SC/TA has not represented Bonner or provided her with any financial assistance. The evidence indicates that the only other time Dublin and Gardner met with Bonner was to have lunch with her at a public restaurant on August 15, 2019.

SWI finds nothing improper or conspiratorial about Bonner's limited communications with the SC/TA. Although Bonner is excluded from union membership due to her classification as a confidential employee; there was nothing wrong with Bonner meeting with Union representatives under the circumstances presented.

G. There is insufficient evidence to conclude that Dr. Todd Bowden's request to expand the scope of the investigation constitutes harassment or retaliation.

Bowden told SWI that he was concerned that SC/TA officers and directors "coached" Bonner how to set up her complaints against him (Bowden). It turns out that Bowden's concerns were not grounded in fact. However, Bowden had the right as an individual accused of misconduct to ask the external investigator to look for specific evidence of bias or undue influence. There is no question that Bonner was offended by the publication of Exhibit 3 and by the implications that she was part of a conspiracy. However, because Bowden raised his concerns in the context of the ongoing investigation, SWI does not find Exhibit 3 to be an additional or separate act of harassment or retaliation.

VII. Observations:

SWI is mindful that the scope of its engagement did not include a request that SWI assess the District's policies and procedures or make recommendations for future actions. It is important to note that this section of the Report is not intended to present findings or conclusions. Rather this final section of the report is intended to give the School Board the benefit of SWI's observations and insights gained over the course of its lengthy investigation. SWI had the opportunity to speak with many current and former District employees and several School Board members who shared their candid observations. SWI also reviewed the history and development of the District policies and procedures. During the investigation, SWI was given access to memoranda, email, and texts which shed some light on how those policies and procedures operated in the context of one employee (Cheraina Bonner). With the benefit of that information and in the context of the matters under investigation, SWI offers the following observations:

A. The District Complaint Procedure does not differentiate between discrimination based on disparate treatment and discrimination based on sexual harassment or hostile work environment.

The Discrimination Complaint Procedure assumes that a complaining employee will be able to understand and effectively communicate her concerns in writing on the District's Discrimination Complaint Form. The Discrimination Complaint Form asks the complaining employee to check a box indicating the alleged basis for discrimination. There is a box to indicate discrimination on the basis of sex, but there is no box for an employee to check if she is claiming sexual harassment and/or hostile work environment

as the basis for discrimination. The Discrimination Complaint form does not offer a place for an employee to fill in another basis for discrimination. Technically sexual harassment and hostile work environment is a type of sexual discrimination under the law. However, complainants should not be expected to understand the nuances of the law. A complaining employee should be able to communicate her concerns without being forced to choose from what may appear to be an incomplete menu of theories that form the basis for his/her complaint.

B. The District policies that protect employees from sexual harassment proscribe different procedures for reporting and investigating complaints.

Policy 2.70 and Policy 2.72 both apply to employee complaints of sexual harassment and hostile work environment. However, the proscribed procedures for making complaints are very different under the policies. Policy 2.70 states that any written or oral reporting is considered an official means of reporting. The Discrimination Complaint Procedure under Policy 2.72 requires that the complaining employee communicate her concerns in writing to the Equity Coordinator using the District's Discrimination Complaint Form. The Procedure states that if the employee refuses to submit the Complaint form, the administrator will reduce the complaint to writing.

Policy 2.70 and Policy 2.72 also provide different methods for investigating sexual harassment complaints. Policy 2.70 requires the principal, department head, or his/her designee to select "an individual(s) employed by the school district and trained in investigative procedures, to initiate the investigation". Policy 2.70 is very specific on how investigations shall be conducted and what evidence the investigator shall collect and

evaluate. On the other hand, the Discrimination Complaint Procedure under Policy 2.72 calls for the Equity Coordinator to assemble a three-person committee only two of which need to be trained in investigations. The Discrimination Complaint Procedure simply calls for the investigation committee to review "all relevant information" and render a decision by majority vote. The Discrimination Complaint Procedure under policy 2.72 provides no guidance to the investigation committee on how to interview witnesses or how to collect and evaluate documents. The Discrimination Complaint Procedure does not give the investigation committee any guidance on what it should consider in reaching its decision.

C. Policy 2.72 does not include a specific provision prohibiting retaliation

Policy 2.72 does not include a specific provision acknowledging that the District will not retaliate against an employee for filing a complaint of discrimination or harassment or against an employee who in good faith participates in an investigation of such a complaint. The Discrimination Complaint Procedure makes only a passing reference to retaliation on page 5.²¹ Policy 2.70 specifically addresses retaliation under Section V. G and V. H.

D. The District does not have a process in place to ensure that administrators and supervisory personnel are trained on proper methods for investigating discrimination, harassment, and retaliation complaints under Policy 2.72

²¹ This anomaly was also referenced in the Recommendations section of the Joshi report where it was noted "The District may want to set out its Retaliation Policy under a separate Paragraph or under its own heading."

The Discrimination Complaint procedure states that the investigation committee will consist of one central office administrator and two members of the trained investigation team. SWI recommends that every member of an investigation committee receive special training on Policy 2.72 and the investigative process. The District may also want to consider amending the Discrimination Complaint Procedure to provide specific guidance on how investigations will be conducted and what the investigation team should consider in reaching its decision, similar to what is provided in Policy 2.70.

E. The District does not have a clearly communicated protocol for responding to threats against employees.

Policy 2.70 clearly prohibits the "harassment" of employees which is defined to include threatening written or verbal conduct that places an employee in reasonable fear of harm to her person and retaliation against an employee by another employee for reporting a complaint of harassment. Policy 2.70 provides that counseling and intervention services should be provided to suspected victims of harassment and bullying.

The District never offered counseling and intervention services to Bonner. SWI interviewed Enos who assumed the position of Chief of Police for the Sarasota County School District in November 2018. Enos testified that he did not know if the District had a protocol for responding to an employee's concern that she was being physically threatened by another District employee (Enos 6). Sprinkle also confirmed that the District did not have a specific policy, procedure, or protocol for protecting employees who felt threatened at work. If the District had an intervention protocol for protecting employees

who believe they are being intimidated or physically threatened, the District did not utilize that protocol to protect Bonner when she said she felt threatened.

On May 23, 2019 Harayda called Enos for advice on how he should handle Bonner's complaint that she felt threatened by one of Maultsby's texts. Enos told Harayda that the SCSO would be in the best position to investigate the threat. Enos testified that he called the SCSO Criminal Investigations Commander and asked if the SCSO would take the case since the threat was allegedly made by someone in Enos' chain of command. It appears SCSO reopened the investigation but only to determine whether Maultsby's alleged threat was criminal in nature not to determine whether protective measures needed to be taken to address Bonner's concerns for her physical safety. Enos testified that School Police Department would not take protective measures to minimize an employee's exposure to threats in the workplace unless it was directed to do so by Human Resources. In Bonner's case, Human Resources did not ask the School Police Department to take any actions to minimize any physical threat to Bonner.

SWI hopes that these observations will help the District improve its policies and practices for responding to employee complaints of sexual harassment, retaliation, and threatening behavior in the future.

Dated: October 16, 2019

Respectfully submitted,

By: Vicki L. Sproat
Vicki L. Sproat, Esq.
Fla. Bar 0304751
Sproat Workplace Investigations
4415 Metro Parkway, Suite 110
Fort Myers, FL 33916

THE SCHOOL BOARD OF SARASOTA COUNTY, FLORIDA
HUMAN RESOURCES

1880 LANDINGS BOULEVARD, SARASOTA, FL 34231
PHONE (941) 927-8000 FAX (941) 927-4087

EMPLOYEE AND APPLICANT DISCRIMINATION COMPLAINT

The School Board of Sarasota County, Florida, seeks to provide a work environment free of discrimination and harassment on the basis of race, color, religion, sex, national origin, disability, marital status, or sexual orientation.

Instructions: The complainant should complete and sign the form and send it to the Equity Coordinator in Human Resources in accordance with the Policy against discrimination for employees and applicants. A copy will be retained by the complainant.

Date Complaint Made May 24, 2019

Complainant Name Cheraina Bonner

Cost Center Name Office of the Chief Operations Officer

Address 1921 Landings Boulevard, Sarasota, FL 34231

Phone 941-927-9000

Alleged Basis of Discrimination:

Race ☒ Color ☒ Religion ☐ National Origin ☐ Sexual Orientation ☐
Age ☐ Sex ☒ Disability ☐ Marital Status ☐

Complainant's Relationship to The School Board of Sarasota County, Florida: Employee ☒ Applicant ☐

Provide a thorough description of events including dates and names of witnesses (use attachment if necessary) Please see attached.

Remedy Sought _____

I attest that the above information is true and correct to the best of my knowledge.

Complainant Signature

05/24/2019
Date

FOR OFFICE USE ONLY

I _____
Cost Center Head Name

Cost Center Head Signature

Date

II _____
Executive Director Name

Executive Director Signature

Date

III _____
Equity Coordinator Name

Equity Coordinator Signature

Date

Distribution:

Original -- Equity Coordinator

Copy - Complainant

RET: Master, 26FY BR Bagitem, GS1-SL 19
Dupl, OBA

EXHIBIT

CB

As discussed in my original oral complaint, the discrimination complaint did not fit my situation based on the options listed on the written claim form. But I have been told several times I need to go this route from both the HR representative and the Superintendent of my employer, Sarasota County School Board.

After further thought regarding this form, I have decided to file an official discrimination complaint. I feel as though I am being discriminated against because I am an African American female. I reported a threat made on my life from my supervisor and no significant action was taken on my behalf, other than a response from the HR representative to an email I sent regarding the situation to seek outside law enforcement if I truly felt threatened. I am taking the matter (the threat that was given by my supervisor) very serious. I expressed to the HR representative in my initial formal oral filing of the complaint that this is very difficult for me to come forward and move through this process. I explained to the representative, with another witness on the phone serving as emotional support and a witness to the conversation on my behalf, that had it not been for the unplanned encounter with a Board member, I would likely not be at the point of filing the complaint. Not because I didn't understand the interaction with my supervisor as a threat, but because I was afraid and not sure of his capacity to follow through on the threat that was made via text message following a conversation with him regarding my intention to always tell the truth and report when I am witness to things that are not ethical, are in breach of school board policy or otherwise in appropriate for the workplace setting. I shared with the HR representative this sentiment both during the May 10th oral filing and later in a follow up email. I shared with him that I cannot imagine my children not having their mother.

Despite the sharing of this very sensitive information with HR and the superintendent, I have been expected to come to work every day and face my accuser, with very little understanding of what could happen as related to my personal and professional well-being. Prior to me filing this complaint my accuser was made aware of some of my concerns. Therefore, leaving me sitting not knowing if he would retaliate or not. Nothing has been done to ensure my safety.

After my initial reporting of the matter to the superintendent, it took over a month for anyone to finally answer me regarding this matter. As stated, I was simply told to take it to local law enforcement if I was afraid. I thought because the threat happened during work hours from an employee that there would some internal action taken, given the severity of the matter. But I feel like it is being swept under the rug because I am a black female. We had a situation at work where a white male felt threatened and our internal police were sent out to investigate. However, nothing was done for me on my behalf.

I also feel since I am a black female, several attempts to file an official complaint regarding sexual harassment and hostile work environment have been shifted to force me into a formal complaint of discrimination, which is where the actual discrimination is occurring (i.e. the intent is shift the complaint from sexual harassment and hostile work environment to one of gender discrimination). I have been told by HR and the superintendent that I needed to put my complaint in writing which is not in accordance with the School Board policy as written. I was also given a deadline as to when I needed to put it in writing. As stated in the formal written report for the superintendent, "Although Ms. Bonner has not specifically refused to complete the complaint form, her inaction in doing so can be considered a *de facto* refusal." This statement is not true, and disregards the fact that, in accordance with the School Board's written policy regarding the process/procedure that can be used to file a formal complaint, I provided both a formal oral report of the incidents that have led to my experiences of sexual harassment and

(5)

exposure to a hostile work environment, to both the superintendent and the designated HR representative that I was directed to for the purpose of officially filing a report by the superintendent. I was also given the incorrect form to file the written report, based on the type of complaint I had articulated to the two School Board representatives (HR representative and superintendent).

Throughout this process, no one has considered that this is my story, and my experience. The emotional stress that comes along with coming forward and continuing to work in this environment. I have been forced to provide documentation within strict guidelines, or otherwise be considered refusing to complete required complaint forms "by de facto". I have always been very upfront and transparent with all parties that I have interacted with during this process to ensure that I am not misrepresenting any of the facts or situations that have led to the deeply overwhelming process that I am now engaged in. Again, per oral statements to both the HR representative and the superintendent, I have been hesitant to come forward with any of this information regarding the hostile work environment I have endured, to include serious threat of bodily harm or death by my supervisor, if I decide to serve as a whistleblower or wrongdoing. Yet I am being forced to give them something in writing that I was not ready even at the time of the initial encounter with a Board member to fully discuss.

Based on this experience I am now prepared to file a formal written complaint of discrimination due to both race and gender, as I have not been supported equitably throughout this process of reporting a complaint of sexual harassment and hostile work environment. I believe that my employer has exacerbated the emotional stress that I have had to endure since coming under the direct leadership of my current supervisor. I do not believe that I would have been exposed to this undue additional hardship if I were a white female reporting sexual harassment and hostile environment by her male supervisor, or further threat of bodily harm or death by a supervisor if I were either a male or a much higher ranking individual within the organization.

Please accept this formal written complaint of discrimination as outlined, not be confused with original complaint of sexual harassment and hostile work environment by my direct supervisor, which is forthcoming. I will provide a completed written formal complaint of sexual harassment and hostile work environment as soon as I have had opportunity to organize all of my documentation for purposes of review by the investigation team that has already been assembled by the Sarasota county School Board, despite the denial of my initial oral formal complaint.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

511-2019-02983

Florida Commission On Human Relations

and EEOC

State or local Agency, if any

Name (Indicate Mr., Mrs., Ms., etc.)

Ms. Cheraina Bonner

Home Phone

Year of Birth

1978

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency that I believe discriminated Against Me or Others. (If more than two, list under PARTICULARS below)

Name

No. Employees, Members

Phone No.

SARASOTA COUNTY SCHOOL BOARD

201 - 500

(941) 927-9000

Street Address

City, State and ZIP Code

1960 Landings Blvd, SARASOTA, FL 34231

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

05-24-2019

05-24-2019

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheets.)

I was hired as an Administrative Assistant by Sarasota County School Board on or about 9/215. My immediate supervisor's name is Jeffrey Maulsby, Assistant Superintendent. I began to experience Mr. Maulsby's sexual harassment conduct on or about 8/2018. Mr. Maulsby would make in appropriate comments towards me and other female employees. Mr. Maulsby comments were he made a reference to one of the female employee about 'Never fuck her' and 'Vow to get rid of her'. Also, he made comments about a female employee to me about the allegedly flirting and said 'I'm a beast in the bed and I will have her ass climbing the wall'. A co-worker had witnesses one of the Mr. Maulsby interaction with me when he told me 'Don't you have a man, have ol boy curl your toes and it will make your knees feel better'. I complained to Caroline Zucker, (Board Member), Kathy Thompkins (Board Member Admin Assistant), Todd Bowden (Superintendent) and Al Harayda (HR). As a result of my complaint, I was force into isolation and Respondent took away my duties and responsibilities while Mr. Maulsby retain his duties and responsibilities.

I believe I was discriminated against because of my sex (Female) and retaliated against in violation of Title VII of the Civil Rights Act of 1964 as amended.

I want this charge filed with both the EEOC and the state or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Digitally signed by Cheraina Bonner on 06-10-2019 03:01 PM EDT

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EXHIBIT

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PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-5.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against anyone, or for a union to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

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SARASOTA County Schools

Office of the Superintendent
1000 Landings Blvd., Sarasota, FL 34231
941-927-0000 • Fax 941-927-2399
SarasotaCountySchools.net

AUGUST 10, 2012

Vicki Sproat
Sproat Workplace Investigations
4415 Metro Parkway
Suite 110
Fort Myers, FL 33916

Dear Ms. Sproat:

It was reported to me yesterday, Thursday, August 15, that Cheralna Bonner was meeting with the President of the Sarasota Classified/Teachers Association (SC/TA), Pat Gardner, and their Executive Director, Barry Dubin.

The School District of Sarasota County's Collective Bargaining Agreement with SC/TA specifically exempts "confidential" employees, such as Ms. Bonner, from membership in the union. Confidential employees receive additional compensation in recognition of the unique role they occupy. I believe SC/TA's meeting with a confidential employee would be considered highly unusual and worth review.

Your investigation concerns at least two sets of allegations, one set against Jeff Maultsby involving his alleged harassment of Ms. Bonner and one set against me and/or Al Harayda regarding our handling of the allegations against Mr. Maultsby. The investigation of the former is being done at my request to allow me to determine what actions, if any, I need to take with respect to Mr. Maultsby, and the latter is being done at the request of the School Board, at least insofar as those allegations relate to my conduct. By way of this letter, I am formally requesting that your investigation be expanded to include the role of the Sarasota Classified/Teachers Association in the accusations that have been made against me and the district and the way that Ms. Bonner chose to share her concerns about Jeff Maultsby with me. I am specifically requesting that you:

- Determine the number of times SC/TA has met with Ms. Bonner
- Determine the number of times SC/TA has spoken with Ms. Bonner
- Review any, and all, written communications between SC/TA and Ms. Bonner to include e-mails and text messages on both the district and private platforms
- Determine if SC/TA has provided any compensation to Ms. Bonner to include, but not limited to, the payment of legal fees on her behalf
- Determine what role SC/TA had in the accusations Ms. Bonner has made against me and the district
- Determine what advice SC/TA provided about the way Ms. Bonner's accusations about Jeff Maultsby were disclosed to me and the district
- Determine what role SC/TA had in the public disclosure, and miscommunication, of the accusations against me and the district

EXHIBIT

3

Given that the union held a meeting with Ms. Bonner during the investigation, I believe your examination of the SC/TA will provide you significant, material information in making determinations about the way information has been shared with you, as the investigator; me, as the accused; the district; our board and the public.

I am available at your convenience to discuss this request. Thank you for your time and attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Todd Bowden". The signature is fluid and cursive, with the first name "Todd" and last name "Bowden" clearly distinguishable.

Todd Bowden, Ed.D.
Superintendent

cc: Art Hardy
Lynn Peterson
School Board Members

The Blackwell Firm
407 North Briggs Ave.
Sarasota, Fl. 34237
941-961-3046
sara@theblackwellfirm.com

August 17, 2019

Sent By Email

Vicki Sproat
Sproat Workplace Investigations
4451 Metro Pkwy
Suite 110
Fort Myers, Florida 33916

Sent By Email to Each Board Member

Sarasota County School Board
1960 Landings Blvd
Sarasota, Florida 34231

Re: New Claim of Retaliation and HWE Against Superintendent Todd Bowden and
Sarasota County School System

Dear Ms. Sproat,

You specifically asked my client to notify you if she felt retaliated against or mistreated because of her pending sexual harassment claim and/or discrimination claim.

Please take notice that Ms. Bonner is adding a claim of retaliation and hostile work environment against Sarasota County School System and Superintendent Todd Bowden. Mr. Bowden, and others on his behalf including Mitsi Corcoran, are retaliating against, and creating a hostile work environment against, Ms. Bonner for filing a discrimination claim against Mr. Bowden.

On August 15, 2019, Ms. Bonner took her regular work lunch break. She went to Demetrio's Pizza Restaurant with Pat Gardner, president of the teachers' union, and Barry Dubin, executive director of the teachers' union. Ms. Bonner ordered a pizza. Mr. Barry ordered a sandwich and Ms. Gardner ordered a pasta dish. The three ate together in the crowded restaurant at lunch time along with all of the other customers of the restaurant on such date. Mitsi Corcoran, Chief Financial Officer of the Sarasota County School System, was eating at the same restaurant at the same time.

Ms. Corcoran reported back to Mr. Bowden about Ms. Bonner's lunch at Demetrio's. Without knowing anything more than Ms. Bonner had lunch with Ms. Gardner and Mr. Dubin, Mr. Bowden submitted the attached August 16, 2019 correspondence to you, Lynn Peterson and each of the school board members accusing the teachers' union and my client of wrongdoing and what seems to be a "conspiracy" against Mr. Bowden.



After Mr. Bowden learned that Ms. Bonner had this lunch, he "formally" requested the investigation probe into any possible relation between Ms. Bonner and the teachers' union. Fundamentally, based on the correspondence and according to Mr. Bowden, Ms. Bonner is not permitted to speak to, or be around, anyone with any connection to Sarasota school system without the possibility of Mr. Bowden accusing Ms. Bonner or those associated with her of wrongdoing. The chilling effect is that no one wants to, or will want to, be seen with Ms. Bonner. Anyone associated with the Sarasota school system, THE SECOND LARGEST EMPLOYER IN THE COUNTY, will avoid Ms. Bonner for fear that they will also be retaliated against or receive detrimental repercussions. Mr. Bowden has taken a victim of sexual harassment and discrimination and made her a person with a target on her back to everyone associated with the school system.

Merely one day after the public lunch, August 16, 2019, Mr. Bowden wrote the attached letter regarding the aforementioned lunch and asked the investigation to be formally expanded to include the role of the teacher's union in the accusations against himself, Superintendent Todd Bowden. Mr. Bowden asserted, in the August 16, 2019 correspondence, that the "meeting", which was a lunch in a public restaurant, was "highly unusual and worth review". Because of this, Mr. Bowden made a list of 7 particular items the investigator should add to your original investigation which specifically addressed two issues: (1) whether Assistant Superintendent Jeffrey Maulsby sexually harassed and threatened Ms. Bonner and (2) whether Superintendent Todd Bowden and Al Herayda discriminated against Ms. Bonner when she reported the sexual harassment.

The basics of the new items Mr. Bowden "formally" requested the investigation to include: the number of times Ms. Bonner met with anyone from the teacher's union; everyone she spoke to at the union; review all written communication with anyone from teacher's union; review payment of any possible attorney fees by teacher's union; the role of the teacher's union in accusations; whether the teacher's union gave any advice and if the teacher's union had in any role in the public "disclosure" and "miscommunication" against Mr. Bowden. None of these issues have any legal effect on the investigation or Mr. Bowden's guilt or (very small chance) of innocence of the discrimination claims against him.

Ms. Bonner, the alleged victim, should be able to move about freely without each and every one of her lunches, her interactions and her life being reported to the school Superintendent. She is a victim of a male superior (Jeffrey Maulsby) who sent her over 800 texts including videos of him dancing and calling her name sent at 1 a.m., highly inappropriate comments and, later, threats that "snitches get stitches" with a story of a whistleblower who was murdered. She reported it to Superintendent Bowden and he purposely made it virtually impossible for her to solidify her claims with the school system and created obstacles for her to properly report what was happening to her. NOW, Ms. Bonner is a victim again of abuse, retaliation or hostile work environment by Mr. Bowden watching her every move and requiring others to do the same.

It is highly notable that Mr. Bowden took approximately six weeks before preparing any written documentation regarding Ms. Bonner's vivid claims of sexual harassment and threats by Mr. Maulsby—which actually and conspicuously came one day after a school board member contacted the school's attorney, Art Hardy. Contrariwise, it took Mr. Bowden merely one day to send a letter asking for further, irrelevant and completely superfluous, investigation he conducted after a public lunch in which Ms. Bonner ate with two people from the teachers' union. Mr. Bowden was slow to act, if not forced to act, in protecting Ms. Bonner from sexual misconduct and threats; however, he was quick to invent, or dream up, possible offenses against the accuser as a result of her lunch with friends.

Please be aware that we are filing a new claim with the school and with the Equal Employment Opportunity Commission of retaliation and hostile work environment against Superintendent Todd Bowden and the Sarasota County School System based on the above. Also, Ms. Bonner has fully complied with the investigation to date and we are willing to respond to any new questions or document requests that may come out of Mr. Bowden's "formal" additional issues to the investigation.

Superintendent Bowden's misogynistic actions and complete lack of empathy for the victim while, at the same time, the obvious grasping at straws for self-preservation should result in his immediate termination and/or the involvement of the Florida State Governor. We deserve better. Women deserve better. Sarasota deserves better and our schools definitely deserve better. **MS. BONNER DESERVES BETTER!**

Thank you,

Sara Blackwell
Sara Blackwell
The Blackwell Firm
407 N. Briggs Ave.
#215
Sarasota, Fl. 34237
(941) 961-3046

Enclosure